

## **AGENDA**

### **TUSAYAN PLANNING AND ZONING COMMISSION WORKSHOP**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

**TUESDAY, DECEMBER 1, 2015 AT 4:00PM**

**TUSAYAN TOWN HALL BUILDING**

**845 Mustang Drive, Tusayan Arizona**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and to the general public that the Tusayan Planning and Zoning Commission will hold a meeting open to the public on Tuesday, December 1, 2015 at the Tusayan Town Hall Building.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

### **PLANNING AND ZONING COMMISSION WORKSHOP AGENDA**

#### **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

#### **2. ROLL CALL**

**VICE CHAIR ROBERT GOSSARD  
COMMISSIONER CLAYANN COOK  
COMMISSIONER BETH HEARNE  
COMMISSIONER JANET ROSENER**

#### **3. DISCUSSION OF POTENTIAL REVISIONS TO THE TUSAYAN ZONING CODE**

#### **4. MOTION TO ADJOURN**

#### **CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this \_\_\_\_\_ day of November, 2015, at \_\_\_\_\_pm in accordance with the statement filed by the Tusayan Town Council.

\_\_\_\_\_  
Signature of person posting the agenda

## CHAPTER 1 ADMINISTRATION

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## **CHAPTER 1 ADMINISTRATION**

### **§1.10 Purpose and Intent**

For the purpose of implementing the goals objectives, and policies of the General Plan, to promote and protect the public health, safety and welfare of the people of Tusayan, and to provide for the social, physical and economic advantages resulting from a comprehensive and orderly planned use of land resources; a zoning ordinance establishing classification of zones, and regulations within those zones, the Zoning Code is hereby established and adopted by the Town Council to enable the Planning Agency to carry out municipal planning, as set forth in A.R.S. §9-461.01.

### **§1.20 Effects of Zoning**

- A. The provisions of this Code governing the use of land, buildings and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance and other provisions are hereby declared to be in effect upon all land included within the boundaries of each and every zone established by this Code.
- B. Any building or structure for which a building permit has been issued and which is still valid under the provisions of earlier ordinances of the Town which are in conflict with this Ordinance may be continued and completed in accordance with the plans and specifications upon which the permit was issued.
- C. Adoption of Zone Maps: All zones and boundaries of said zones and each of them hereby are established and adopted as shown, delineated and designated on the Official Zoning Maps of the Town, which maps, together with all notations references, data, zone boundaries, and other information are a part of this Ordinance as though fully set forth herein and adopted concurrently herewith.
- D. Private Agreements: The provisions of this Code are not intended to abrogate any easements, covenants or other existing agreements which are more restrictive than the provisions of this Code.

### **§1.30 Repeal of Conflicting Ordinances**

Whenever the provisions of this Code impose more restrictive regulations upon buildings or structures, and the use of them or the use of lands or premises, and require larger open space or yards or setbacks than were imposed or required by other Town ordinances or the previous Zoning Code, the provisions of the rules and regulations of this Code shall govern.

### **§1.40 Applicability**

All land, buildings and structures within the corporate areas of the Town shall be used only as hereinafter provided. No use of land for projects and construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this Code or by other applicable ordinances of the Town.

**A. Private Projects**

1. No land, building, or structure shall be used, constructed, altered or maintained except in conformance with the provisions of this Code.
2. No use that requires a permit or approval under the provisions of this Code shall be established or operated until the permit or approval is finally granted and all conditions of the permit or approval, if any, have been complied with.
3. No use that requires a permit or approval under the provisions of this Code shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or approval.
4. No building, structure, or any part of an existing building or structure, may be constructed or altered in such a way as to cross a property line.

**B. Public Projects**

Unless otherwise exempted, Federal, State, County, Town, and any other governmental projects shall be subject to the provisions of this Code, including projects operated by any combination of these agencies or by a private person for the benefit of any such governmental agency.

**§1.50 Legal Procedures**

Any building or structure erected or maintained, or any use of property contrary to the provisions of this Code, is hereby declared to be unlawful and a public nuisance. The Town Attorney, Town Manager, or his/her designee, District Attorney or other authorized official may immediately commence action or actions, proceeding or proceedings for the abatement, removal, and enjoinder thereof, in the manner provided by law, and may take such steps, and may apply to such court or courts as may have jurisdiction to grant such relief to abate or remove such building structure, or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or use of any property contrary to the provision of this Code.

**§1.60 Enforcement**

- A. The Town Manager, Town Attorney, District Attorney, Building Official, Town Engineer, or the Zoning Administrator may be a duly authorized law enforcement officer. Any Town official charged with the issuance of licenses and permits shall enforce the provisions of this Code.
- B. All officials and employees of the Town, vested with the authority or duty to issue permits, shall conform to the provisions of this Code and shall not issue a permit, certificate, or license for uses, purposes, buildings, or structures in conflict with the provisions of this Code. Any such permit, certificate or license issued in conflict with the provision of this Code shall be deemed null and void.
- C. Whenever an authorized Town official finds that a violation of this Code exists on any property located within the Town, the authorized official shall notify the property owner on which the violation is located and direct that the violation be abated in a manner consistent with this Code.

- D. **Remedies:** All remedies provided for herein shall be cumulative and not exclusive. Conviction and punishment of any person, hereunder, shall not relieve such person from the responsibility of correcting the prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.
- E. **Continuing Violations:** A continuing violation of this Code is deemed a separate violation for each and every day such violation exists.
- F. **Procedures for Enforcement:** Enforcement of the Zoning Code, as adopted by the Town Council, sets forth the responsibilities of the Zoning Enforcement Officer, and Zoning Administrator for procedures to follow, administrative review before the Planning and Zoning Commission and/or Town Council, and recall of a case for review and determination.

#### **§1.70 General Penalty**

Any person found to be in violation of any provision of this Code shall be responsible for a zoning violation that is punishable by a civil sanction not to exceed the equivalent of a maximum fine of a Class 2 misdemeanor for each violation pursuant to A.T.S. §9-240.

#### **§1.80 Conflicting Regulations**

The provisions of this Code are not intended to interfere with or void any easements or legally established covenants or other existing agreements that are more restrictive than the provisions of this Code. Except where the express provision of this Code, or the context hereof, amends any existing ordinance, nothing in this Code shall be deemed to repeal any other ordinances relating to the properties and areas affected hereby.

#### **§1.90 Clarification of Ambiguities**

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Code, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Town Manager, or his/her designee, to ascertain all pertinent facts and issue an interpretation. The Town Manager's, or his/her designee's, interpretation is subject to the appeal process as defined by Section 2.170 of this Code.

#### **§1.100 Determination of Similar Use**

- A. **Application:** When a proposed use of property is not expressly authorized as a permitted use, or as a conditional use by the regulations of the applicable zone district, an application may be submitted to the Town Manager, or his/her designee, for a land use interpretation to determine whether or not the proposed use is similar to those uses permitted or conditionally permitted in the applicable zone district.
- B. **Basis for Determination of Similar Use:** The Town Manager shall make an investigation to compare the nature and characteristic of the proposed use with those specifically listed and shall report his/her determination to the Planning and Zoning Commission. The Commission's determination of similar use shall be final fifteen (15) days from the date of decision unless an appeal to the Board of Adjustment is filed. An investigation by the Board of Adjustment shall be based on the following criteria:

1. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zone district in terms of the effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
2. The use is consistent with the stated purpose of the applicable district.

#### **§1.110 Zone Districts**

- A. **Districts Created:** In order to provide a uniform basis for regulating the use of land, buildings, and structures, and to establish minimum site development regulations and performance standards applicable to a site within the Town, the Town is hereby divided into the following zone districts:

1. **Rural Residential Zone Districts**
  - a. Rural Residential (RR) Zone District
  - b. Residential Single Family (RS-20) Zone district
2. **Urban Residential Zones**
  - a. Residential Single Family (RS-5) Zone District
  - b. Residential Single Family (RS-10) Zone District
  - c. Residential Multiple Family (RM-14) Zone District
  - d. Residential Multiple Family (RM-30) Zone District
3. **Commercial Zones**
  - a. Commercial Neighborhood (CN) Zone District
  - b. Commercial General (CG) Zone district
  - c. Commercial Heavy (CH) Zone District
4. **Industrial Zones**
  - a. Industrial Park (IP) Zone District
  - b. Light Industrial (LI) Zone District
5. **Special Use and Combining Zones**
  - a. Planned Development (PD)
  - b. Community Facilities (CF) Zone District
  - c. Floodplain Management (FPM) Overlay Zone District
  - d. Open Space and Conservation (OS) Zone District

#### **§1.120 Planning and Zoning Commission (Reserved)**

#### **§1.130 Zoning Administrator**

- A. The positions of Zoning Administrator is hereby created for the administration of this Code. The Zoning Administrator shall possess all powers of a Zoning Administrator under this Code and State Law and shall perform such duties as set forth under this Code. The Town Manager or his/her designee shall serve as the Zoning Administrator.
- B. The Zoning Administrator shall have the following duties:
1. Establish rules, procedures and forms to provide the processing of applications or requires for action under the provisions of this Code.

2. Accomplish all administrative actions required by this Code, including the giving of notice, preparation of reports, receiving and processing appeals, and the acceptance and accounting of fees:
3. Provide advice and recommendations to the Planning and Zoning Commission and Town Council with respect to applications and requests for approvals as required by this Code.
4. Interpret this Code to the public, subject to policies established by the Town Council.
5. Determine the location of any zone district boundary shown on the Official Zoning Map adopted as part of this Code when such location is in dispute.
7. Certify planning applications when they are deemed complete.

#### **§1.140 Town to be held Harmless**

Any person, organization, or entity who obtains or files an application to obtain a permit or approval pursuant to this Code shall hold the Town harmless from any liability, including any claims of the applicant arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

#### **§1.150 Severability**

If any section, division, sentence, clause, phrase or portion of this Code, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code or its application to other persons or places. The Town Council hereby declares that it would have adopted this Code, and each section, division, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, divisions, sentences, clauses, phrases or portions, or the application thereof to any person or place, be declared invalid or unconstitutional.

#### **§1.160 Definitions**

For the purpose of this Code, certain words, phrases and terms used herein shall have the meaning assigned to them by this Section. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word "shall" is mandatory; the word "may" is permissive.

**Abutting, Adjoining, Adjacent:** Having district boundaries or lot lines in common, however, where properties would have had lot lines in common, except for the existence of an alley, the lot lines of those properties are considered to be abutting, adjoining, or adjacent.

**Access, Access Way, Access Corridor:** The means of ingress and egress connecting a site to a public roadway system.

**Access Rights:** Any rights including claims and titles that grant access to a public road or corridor for pedestrians and vehicles.

**Access Road:** A road, with such improvements and of such width as required by Town Codes which provides access from a division of land to an existing maintained street or highway.

**Accessory Structure:** Any structure or portions of the main structure, the use of which is incidental to that of the main structure on the same lot or premises, and which is used exclusively by the occupants of the main structure. An accessory structure may be erected only after the principal structure is established.

**Accessory Use:** Any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. An accessory use may be established only after the principal use is established.

**Acreage (Gross):** Gross acreage includes the total fee ownership of a parcel or land area including any easements, but excluding any existing offers of dedication, dedications, or rights-of-way.

**Acreage (Net):** Net acreage is the land area which remains after dedication of ultimate rights-of-way for (1) exterior boundary streets, (2) flood control rights-of-way, (3) public parks developed to meet minimum standards, and (4) major utility easements. Areas devoted to park land or active recreational uses may be counted as adjusted net acreage only if such public facilities are proposed over and above the Town's minimum park land requirements.

**Advertising Device:** Any figure, symbol, design, model or device, whether it contains a lettered advertising message or not, used to attract attention or convey a message which is visible from any area outside a building. Advertising devices include, but are not limited to vehicles, wagons, trailers, railroad cars, shipping containers, and goods for sale.

**Agriculture:** The tilling of the soil, raising of crops, horticulture, viticulture, silviculture, small livestock farming, and/or pasture and range livestock production, including all uses customarily incidental thereto, but not including slaughterhouses, fertilizer yards or plants for the reduction of animal matter, stockyards, bone yards, packing houses, dairies, feed lots, or any other commercial/industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

**Airport:** Any area which is used or is intended to be used for the takeoff and landing of aircraft, including helicopters, and appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

**Alley:** Any dedicated way, intended for vehicular service to the rear or side of property served by a street. An alley is not intended for general traffic circulation.

**Alter:** To make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, to prolong the life of a structure or to change an exterior or interior dimension of a structure. In case of a sign, "alter" means a change of all or a portion of the copy, message, sign legend, or face except on signs designed to advertise changing messages.

**Alteration:** Any change or modification to the character-defining or significant physical features of properties affected by this Code. Such changes may include modification of structures, architectural details, visual characteristics, grading, surface paving, addition of new structures, cutting or removal of mature trees, major landscaping, alteration of natural features, disturbances of archeological sites or areas, and placement or removal of a significant object such as signs plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the property.

**Animal Hospital:** A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Uses as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.



**Apartment:** A building, or portion thereof, which is designed, built and rented or leased for occupancy by one or more families living independently and doing their own cooking in the same building.

**Apartment Building:** A multi-family dwelling consisting of three or more attached dwelling units, each of which is for rent or lease.

**Arcades:** A place of business where five (5) or more electronic or coin operated games are operated for compensation.

**Authorized Agent:** A person bearing written authority from a property owner to act as said owner's representative.

**Automobile/Automotive/Vehicle:** Motor vehicles, including cars, light duty vans, pick-up trucks, sport utility vehicles and motorcycles.

**Automotive and Light Truck Repair (Minor):** Activities including, but not necessarily limited to automotive repair, the retail sale of goods and services for automobiles (less than 6,000 lbs.), lubrication, oil changes, brake, muffler and tire shops, and drive-through car washes. Heavier automobile repair such as transmission, engine repair, paint shops, and auto body shops shall not be included in this type of land use.

**Automotive and Light Truck Repair (Major):** Activities typically including, but not necessarily limited to, heavy and light automotive repair, such as transmission and engine repair, automotive painting and body work, and the installation of major accessories.

**Automobile Service Station:** A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, whose primary use is the dispensing of automotive fuel and motor oil. Automotive and light truck repair (major) shall not be permitted. Incidental overnight parking may be permitted.

**Barrier Strip:** A strip of land one (1) foot or more in width dedicated to the Town for street purposes and access control at the end of a dead end street or along the side of a part-width dedicated street or other public rights-of-way.

**Basement:** A story partly or wholly underground. A basement shall be counted as a story for purpose of height measurement where more than one-half of its height is above grade.

**Bed and Breakfast Establishment:** An accessory use to an owner occupied single-family dwelling where a limited or specified number of guest rooms are made available to transient guests to provide overnight sleeping accommodation and breakfast for compensation.

**Board of Adjustment:** The Town Council of the Town of Tusayan

**Board of Supervisors:** The Board of Supervisors of Coconino County, Arizona

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel or other earthly material is removed by excavation for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**Building:** A structure having a roof supported by columns or walls.

**Building, Accessory:** A subordinate building, including shelters or swimming pools, the use of which is incidental to that of the main building on the same lot and/or building site.

**Building, Front:** The side of a building which contains the main entrance for pedestrian ingress and egress and which faces the street or access easement. On a corner lot, the side of the building with the smallest linear dimension containing a main entrance shall be considered the building frontage. The building front may be designated by the owner if the orientation is consistent with other lots and improvements in the immediate vicinity.

**Building, Height:** The vertical distance from the average line of the highest point and lowest points of the pre-existing natural grade of that portion of the lot covered by the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof.

**Building Permit:** A permit required for the erection, construction, replacement, repair, use and occupancy, demolition, modification, addition to or moving of any building, structure or any appurtenances connected or attached to such building or structure pursuant to Building Codes adopted by the Town Council.

**Building Site:** A legally created parcel or contiguous parcels of land in single or joint ownership providing the area and open space required by this Code, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner(s) thereof. Private easements providing access to four or less parcels shall not be deducted from the building site area.

**Cabana:** Any portable or permanent room enclosure or other structure erected, constructed or placed on a mobile home space and used in conjunction with a mobile home and not used for sleeping purposes.

**Campground:** A plot of ground for overnight or limited camping up to a maximum of thirty (30) consecutive days. A campground may be occupied by tents, recreational vehicles, or travel trailers.

**Carport:** A permanent roofed structure, or a portion of a main structure with not more than two enclosed sides, used or intended to be used for automobile parking for the occupants of the premises.

**Cemetery:** Land used, or intended to be used, for burial of the dead and dedicated for such purposes including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises

**Club:** an association of persons, whether incorporated or not, for a common purpose, but not including groups organized solely or primarily to render a service as a business for profit.

**Commercial Machine:** Any piece of machinery designed for construction, demolition, excavation, logging, shipping, warehousing, freight hauling and the like including, but not limited to backhoes, bulldozers, equipment trailers, forklifts, front-end loaders and the like.

**Commercial Vehicle:** Any bus, truck, truck tractor, or trailer having a gross vehicle weight over 26,000 pounds; trailer or semi-trailer, aggregate hauling trailer, logging trailer and the like, not including water hauling tank truck or tank trailer for the purpose of transporting water for personal use.

**Commission:** The Planning and Zoning Commission of the Town of Tusayan, Arizona.

**Communication Tower:** A freestanding structure including appurtenances that are greater than thirty-four (34) feet in height, used for the following commercial communication purposes (1) VHF and UHF television, (2) AM and FM radio, (3) two-way radio, (4) Common carriers, (5) Cellular telephone, and (6) Microwave. Amateur (HAM) towers for the personal use of the property owner are exempted from this definition unless the tower is in excess of one-hundred (100) feet in height.

**Community Service Agency:** An organization such as the YMCA, YWCA, Boy Scouts, Girl Scouts, Campfire or any similar non-profit organization or supported in whole or in part by public subscription and primarily established to serve the social or welfare needs of the community or any part thereof, and not organized for the personal profit of an individual, group of individuals, or corporation.

**Condominium:** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential complex located on such real property. A condominium may include a separate interest in other portions of such real property.

**Construction, New:** Structures for which the "start of construction" commenced on or after the effective date of this Code.

**Construction, Start of, Substantial:** The placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a principal use as defined by the zoned district within which the property is located.

**Contractor's Yard:** The use of any lot or parcel of land for the commercial or non-commercial parking, storage, maintenance of commercial vehicles, and/or more than one piece of commercial machinery and/or outdoor storage of building materials, aggregates, lumber, piping, vehicle parts, tires and the like.

**Convalescent Home:** A facility licensed by the Department of Health Services or Coconino County which provides bed and ambulatory care for patients with post-operative convalescents, chronically ill, dietary problems, and aged or infirm persons unable to care for themselves.

**Convenience Store:** a retail store that is intended to attract stop-and-go traffic, with or without gasoline sales, and primarily sell food, beverages and other household supplies.

**Council:** The Town Council of the Town of Tusayan, Arizona.

**County:** The County of Coconino, State of Arizona.

**County Assessor:** The County Assessor of the County of Coconino.

**County Recorder:** The County Recorder of the County of Coconino.

**Day Care Facility:** A facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. A day care facility includes family day care homes, infant centers, preschools, and extended day care facilities.

**Density:** The number of dwelling units per unit of land.

**Domestic Farm-Type Animals:** Horses, cattle, sheep, goats, swing and other cleft-hoof domestic animals.

**Dormitory:** A building intended or used primarily for sleeping accommodations where such building is related to an education or religious institution, or for employee housing associated with a commercial enterprise. For purposes of calculating density, three (3) dorm rooms shall be equivalent to one (1) dwelling unit.

**Drive-In Theater:** An outdoor structure designed for theatrical performances, displays, or show where the performance is viewed by all or part of the audience from a vehicle.

**Drive-Through Facility:** A facility, including a restaurant which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

**Drive-Through Restaurant:** A place of business that sells food products or beverages which:

1. Delivers food or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device, or
2. Delivers food products or beverages to customers within a building that is designed so that a majority of customers will remove the food or beverages from the building.

**Dwelling:** A building or a portion thereof designed and used exclusively for residential occupancy, excluding hotels, motels, boarding houses and trailers, that are in conformance with the Building Codes adopted by the Town Council.

**Dwelling, Multifamily:** A building designed exclusively for occupancy by three (3) or more families living independently of each other.

**Dwelling, Single-Family:** A detached dwelling unit designed for the use of one (1) family.

**Dwelling, Two-family:** A residential structure on a single lot containing two (2) dwelling units; also known as a duplex.

**Dwelling Unit:** One or more rooms and a single kitchen or cooking accommodation, and a bathroom in a single-family dwelling, two-family dwelling, apartment house, multi-family dwelling designed as a unit for occupancy by one family for living and sleeping purposes.

**Easement:** A space on a lot or parcel of land reserved or used for the location of and/or access to utility, drainage, pedestrian, vehicular, or other physical uses of the parcel.

**Educational Institutions:** Public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary, or collegiate levels, and including graduate schools, universities research institution and religious institutions. Such institution must offer either general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as college or university of undergraduate or graduate standing, conduct academic or scientific research, or give religious instruction. This definition does not include commercial or trade schools.

**Family:** Any number of individuals related by blood, marriage or legal adoption, or a group of not more than five (5) unrelated persons living together as a single housekeeping unit in a single dwelling unit sharing common cooking facilities. This does not include a fraternity, sorority, club, or other group of persons occupying a hotel, motel, lodging house, or institution of any kind.

**Farm-Related Business:** a business operated on a farm related to or supportive of agricultural activities, such as cold storage, sheds, maintenance shops, farm implement repair, and/or roadside sale of agricultural products.

**Fast Food Restaurant:** Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants, excluding cafeterias where food is consumed on the premises, drive-through restaurants, and formula restaurants required to offer standardized menus, ingredients, and fast food preparation.

**Flood Boundary and Floodway Map:** The official map on which the Federal Insurance Administration (FEMA) has delineated both the areas of flood hazard and the floodway.

**Flood Insurance Rate Map, Flood Boundary, and Floodway Map:** The official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

**Floodplain:** The land area adjacent to a watercourse, and/or other land areas susceptible to being inundated by water from any source.

**Floor Area, Gross:** The total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet, but excluding area used exclusively for vehicle parking or loading.

**Floor Area, Net:** The total building floor area excluding garages, hallways, lobbies, elevators and other common spaces.

**Garage:** A permanently roofed structure with three (3) enclosed sides and a garage door which is used for automobile shelter and storage.

**Garage, Private:** A detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.

**Garage, Public:** Any garage other than a private garage.

**General Plan:** The General Plan, as adopted by the Town Council and subsequently amended.

**Grade:** The average level of the finished ground surfaces surrounding a building.

**Grazing:** The feeding area of domestic livestock on an open range or fenced pasture for commercial purposes and uses customarily incidental thereto, exclusive of slaughter houses, stockyards, packing houses, bone yards, dairies, or plants for the reduction of animal matter.

**Group Home for the Handicapped and/or Addiction Recovery Persons:** A facility licensed or authorized by a governmental authority having jurisdiction over operation for ten (10) or fewer handicapped and/or addiction recovery persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This use includes assisted living homes, homes for the mentally ill, group care agencies and similar residential living arrangement for handicapped person, and addiction recovery persons but shall not include boarding houses, nursing homes, or other group homes not for the handicapped or addiction recovery persons.

**Guest Quarters:** Living quarters located on the same remises with the primary dwelling unit or attached to the main portion of the primary dwelling unit for the sole use of persons employed on the premises, members of the family living in the primary dwelling unit, or for temporary use by guests of the family living on the premises. Such quarters shall not be rented or leased or otherwise used as a separate dwelling.

**Harmful Material:** Displaying, selling, or renting pornography or other sexually explicit material to a minor or permitting a minor to view age inappropriate material that contains sexual content.

**Height:** A vertical dimension measured from existing grade unless otherwise specified.

**Heliport:** A place designed or designated for the landing and taking off of helicopters.

**Historic Landmark:** Any object designated as an historic landmark by Town Council action.

**Home Occupation:** Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to the use of the dwelling for dwelling purposes.

**Hospital:** An institution for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

**Hotel/ Motel:** A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied for less thirty (30) by any one individual or group of individuals for compensation.

**Housing, Dependent:** Residential occupancy of a temporary accessory living unit located on the same parcel as the principal unit, which is occupied by one or two adults who (1) have reached the age of 60, (2) are dependents of the residents of the principal unit, or (3) are court appointed conservatees of a resident of the principal unit. For the purposes of this Code, "dependent" means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.

**Housing, Secondary:** Residential occupancy of a living unit located on the same parcel as the principal unit. In a commercial land use district, secondary housing, upon obtaining an approved conditional use permit in conjunction with a commercial land use, may be located either above the first floor or, if on the ground floor, not on the street frontage.

**Illumination, Direct:** Illumination by means of light that travels directly from its source to the viewer's eye.

**Illumination, Indirect:** Illumination by means only of light cast upon an opaque surface from a concealed source.

**Industry:** the excavation, transporting, manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar type of enterprises.

**Inoperable Vehicle:** Any whole dismantled, partially dismantled or obsolete vehicle which cannot be started and driven under its own power.

**Junk Yard:** The use of any lot or parcel of land regardless of zone classification for the outdoor storage of any used or second hand materials, including, but not limited to, lumber, auto parts, household appliances, pipe, fencing, drums, machinery, furniture, or vehicles.

**Kennel, Commercial:** any kennel maintained for the purpose of boarding, marketing, breeding, raising or training dogs and/or cats over the age of four (4) months for a fee or for sale.

**Kennel, Non-Commercial:** Any property where five or more dogs and/or cats over the age of four (4) months are kept or maintained for the use and enjoyment of the occupant for non-commercial purposes.

**Kiosk:** Any off-site subdivision or business Direction sign or structure, of four (4) sides or less, typically constructed of four (4) inch by six (6) inch posts upon which business directional or subdivision signs may be mounted.

**Kitchen:** A room, or any portion of a room, used for cooking and/or preparation of foods.

**Landscaping:** The planting of trees, shrubs, vines, ground covers, flowers, and lawns. In addition, the combination of design may include natural features such as rock and stone and structural features, including but not limited to fountains, reflecting pools, art work, screens, walls, fences, and benches. Organic materials, such as trees shrubs, etc. are referred to as "soft" landscape. Inorganic materials such as stone, masonry products, etc. are referred to as "hard" landscape.

**Logo:** A trademark or symbol of an organization or business.

**Lot:** A site or parcel of land having with frontage upon a street, other than an alley, or a private easement determined by the Zoning Administrator to be adequate for purposes of access.

**Lot, Corner:** A site bounded by two (2) or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five (135) degrees.

**Lot, Site Coverage:** the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, uncovered parking area, driveways, walks, lanais, terraces, swimming pools and landscaped areas.

**Lot, Depth:** The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot, Double Frontage:** An interior lot having frontage on more than one (1) street.

**Lot, Flag or Corridor:** A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Key:** the first interior lot to the rear of a reversed corner lot.

**Lot, Reversed Corner:** A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

**Lot Line:** A line of record that divides one lot from another lot or from a public or private street or any other public space.

**Lot, Nonconforming:** A lot which when lawfully created or established, complied with the width, depth, and area requirements of the district where located, but which does not conform to the present existing area or width and depth regulation of the district where located, or which does not conform to the presently existing requirement of the Subdivision Ordinance governing lot standards.

**Lot, Width:** the average horizontal distance between the side lot lines, measured at right angles to the lot depth as a point midway between the front and rear lot lines.

**Manufactured Home:** A dwelling unit built after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development (HUD) with a HUD seal affixed, and which is designed to be used as a year-round dwelling when connected to the required utilities. A manufactured home is not a mobile home, travel trailer, park model, or recreational vehicle.

**Manufactured Home/ Mobile Home Park:** Any area or tract of land where one or more mobile home or manufactured home spaces are rented or leased, or held out for rent or lease to accommodate such homes or park models.

**Manufactured Home Space:** A plot of ground within a mobile home park or manufactured home park designed for the accommodation of one manufactured home.

**Mobile Home:** A dwelling unit built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a residence. A mobile home is not a recreation vehicle, travel trailer, park model, or manufactured home.

**Modular Home:** A dwelling unit which is pre-assembled in whole, or in part, in a factor prior to delivery to the job site for final assembly, and which conforms to the following: (1) built to current Building Code standards, (2) built with exterior materials customarily used on conventional site-built dwellings such as wood siding and asphalt roof shingles, (3) has a minimum roof pitch of three (3) in twelve (12), (4) has a minimum one (1) foot overhang on all four (4) sides, (5) has a minimum width of twenty (20) feet, and (6) is constructed to be set on a permanent foundation similar to site-built dwellings such as footing and stem walls or piers, and which is in compliance with the Town's adopted Building Code.

**Motel:** Refer to Hotel.

**Nonconforming Use:** A lawfully established and maintained use which does not conform with the development standards for the district in which the use is located by reason, adoption, or amendment of this Code, or a lawfully established and maintained use of a structure or land which does not conform with the use regulations for the district in which it is located by reason of adoption or amendment of this Code.

**Nuisance:** An interference with the enjoyment and use of property.

**Occupancy:** Each separate use of property conducted on the entire lot or within a building or any portion thereof.

**Off-Street Loading Facilities:** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.



**Off-Street Parking Facilities:** A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

**Open Space (Usable):** Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six (6) feet excluding required front yards.

**Ordinary Maintenance and Repair:** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.

**Park, private:** A parcel or parcels of land, which is open and available for use only by private ownership, membership, or some other mechanism that precludes use of the park by members of the general public.

**Park, public:** A parcel or parcels of land, which is open and available for use by the general public and which serves the active and passive recreational needs of the public.

**Parking Facilities:** An area and/or structure designed and constructed for the parking, storage and maneuvering of motor vehicles.

**Parking, Shared:** A situation where the same parking spaces can be utilized by two (2) or more different uses due to the differing peak hours of operation of the uses involved.

**Parking Space:** A readily accessible area, within a structure or surface parking area, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of one vehicle.

**Parking, Tandem:** A parking configuration where two (2) or more parking spaces are lined up one behind the other.

**Permitted Use:** Any proposed use allowed by right in a particular zone district without requiring discretionary approval, provided such use meets performance standards and regulations of this Code.

**Person:** Any individual, firm, association, corporation, organization, partnership; any city, county, district, state; or any department or agency thereof, or any other group acting as a unit.

**Place of Worship Seating Area:** The gross floor area of the main assembly hall or auditorium of a place of worship that must be identified for the purpose of calculating parking requirements when fixed seats are not provided. Only the actual seating area (including aisles) shall be counted.

**Planning and Zoning Commission:** The Planning and Zoning Commission of the Town of Tusayan.

**Pre-Existing:** Any use or structure in existence prior to the effective date of this Code.

**Preservation:** The identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.

**Processing Facility:** A building or enclosed space used for the collection and processing of recycling materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Processing Facilities include the following:

1. A Light Processing Facility under forty-five thousand (45,000) square feet of gross collection, processing and storage area with up to an average of two (2) outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

2. A Heavy Processing Facility is any processing facility other than Light Processing Facility.

**Project:** Any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Code.

**Property Line, Front:** The shortest boundary line of a lot that is coterminous with a street line. When the boundary lines of a corner lot, which are coterminous with street lines, are of equal or substantially equal lengths, the front lot line shall be determined by the Zoning Administrator. In determining the front lot line, the Zoning Administrator shall take into consideration the character of improvements in the neighborhood, the relative impact to abutting property owners from the establishment of either of such boundaries as a front lot line, the character of the building proposed to be constructed and the distance that the buildings are set back from the lot lines of the two street on which the lot in question abuts.

**Property Line, Interior:** A lot line not abutting a street.

**Property Line, Rear:** A lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five (45) of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

**Property Line, Side:** Any lot line other than a front or rear lot line.

**Public Access:**

1. A dedication to public use to the Town and constructed to the required width for road purposes.
2. A permanent written easement for road purposes from the State or Federal government.

**Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable or medical institution, such use having the purpose primarily of servicing the general public including as churches, private schools and universities, community youth and senior citizen recreational facilities, private hospitals, and the like.

**Recreational Facilities:** Those buildings, structures or areas built or developed for purpose of entertaining exercising, or observing various activities participated in either actively or passively by individuals or organized groups.

**Recreational Vehicle:** A motorhome, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes. "Recreation Vehicle" shall also include boats, boat trailers, and recreational off-road vehicles.

**Recreational Vehicle Park:** Any area or tract of land where one or more lots are to be rented, leased or held out for rent or lease to owners or users of recreational vehicles or tents used for travel or recreational purposes and which are occupied on a temporary and transient basis.

**Recycling Center:** The use of a building or structure to collect, separate, and process recoverable resources such as newspapers, glass, and cans for shipment to other facilities. This definition does not include a junk yard or recycling of refuse or hazardous materials.

**Restaurant, Bona Fide:** A place which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which maintains a minimum of fifty-one percent (51%) of its gross receipts from the sales of meals. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Town Manager, or his designee, during regular business hours of the restaurant upon seventy-two (72) hours prior written notice.

**Right-of-Way:** An easement, dedication, or other legal right of passage over another person's land, or a strip of land over which a road is built.

**Room, Habitable:** A room meeting the requirements of this Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

**Self-service Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

**Sign:** Any medium for visual communication, including copy, structure and component parts, which is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, activity or location, or to provide information. This definition shall not include the display of the American flag, State flag, or other similar political entities.

**Sign, Accessory:** A sign whose copy refers to the products, facilities, or services available on the premises. Accessory window signs shall include also temporary posters attached to windows or placed within five (5) feet of any window and legible off the site.

**Sign, Attraction Board:** A sign capable of supporting copy which is readily changeable, such as a theater marquee, and which refers to products, services or coming events on the premises.

**Sign, Banner, Flag, Pennant or Balloon:** A visual display device, with or without copy, which can vary in shape and is normally made of flexible material, such as cloth, paper or plastic.

**Sign, Building Mounted:** A sign affixed to a building, including awnings and windows.

**Sign, Business Identification:** A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity on the premises where the sign is located.

**Sign, Cabinet:** A building-mounted sign which consists of a single, internally lighted cabinet with the sign's lettering applied to that face rather than separate letters or figures mounted individually onto a wall or building (e.g. Channel Letters).

**Sign, Canopy or Awning:** A sign painted, placed or installed on any awning or canopy.

**Sign, Channel Letters:** A sign consisting of individual letters or figures mounted separately on the wall or structure to spell out or otherwise represent a sign's message copy.

**Sign, Construction:** A sign containing information pertaining to a future development on a site where the sign is located, including the name of the product, developer, contractor, architect, financing source, future occupants and other information directly related to the development.

**Sign, Convenience:** A sign that conveys information such as "restrooms", "no parking," "entrance," or minor business identification for directional purposes, and is designed to be viewed on site by pedestrians and/or motorists.

**Sign, Copy:** Any words, letters, numbers, figures, designs or other symbolic representations incorporated onto the face of a sign.

**Sign, Directional:** A sign directing motorists or pedestrians to parking or building facilities, or providing similar directional information.

**Sign, Directory:** A sign to identify the name of the occupants within a business or residential complex.

**Sign, Electronic Message/Message Sign:** A sign having the capacity of presenting variable message displays by projecting an electronically-controlled light pattern against a contrasting background to change messages by electronic process, or by remote control.

**Sign, Exempt:** A sign which is designated not subject to certain regulations of this Code.

**Sign, Face:** The exterior surface of a sign, exclusive of structural supports, on which copy is placed.

**Sign, Freestanding:** A sign supported upon the ground and not attached to any building.

**Sign Height, Free-Standing Sign:** The greatest vertical distance between the top of the sign, including any accompanying architectural features of the sign, and the elevation measured at the roadbed of the nearest street.

**Sign Height, Wall or Building Mounted Sign:** The distance between the top of the sign panel inserted into or placed on the wall and the roadbed of the nearest street.

**Sign, Identification:** A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity, on the premises where the sign is located.

**Sign, Identification, Major:** An identification sign facing the public streets or pedestrian paths providing primary access to the premises identified by the sign.

**Sign, Identification, Secondary:** Any identification sign other than a major identification sign.

**Sign, Illuminated:** A sign in which a source of light is used in order to make readable the message or attract attention to the sign. This definition shall include internally and externally lighted signs and glowing or radiating signs.

**Sign, Monument:** A freestanding sign whose support structure shall be a solid base constructed of a permanent material such as concrete block or brick.

**Sign, Nonconforming:** A sign, outdoor advertising structure or display of any character which was lawfully erected or displayed, but which does not conform with standards for location, size, illumination or movement for the district in which it is located by reason of adoption or amendment of this Code.

**Sign, Off-Site Advertising Sign:** A sign referring to any person, establishment, merchandise, service, event or entertainment which is not located, sold, produced, manufactured, provided or furnished on the premises upon which the sign is located.

**Sign, On-Site:** A sign referring to a person, establishment, merchandise, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the premises where the sign is located.

**Sign, Pedestrian Oriented:** A small sign readable primarily from the abutting sidewalk or other walkway, but not general from the street.

**Sign Permit:** An entitlement from the Town to place, erect or alter a sign.

**Sign, Pole:** A free-standing on-site sign whose support structures consist of bare members only and that have no architectural forms and detailing utilized to hide the steel or wood members used to support the basic sign structure. These signs do not include signs whose support structures consist of decorative timbers or masonry structures.

**Sign, Political:** A sign whose text indicates any one or a combination of the following: (a) the name and/or picture of an individual seeking election or appointment to public office; or (b) related to a forthcoming public election, initiative, or referendum.

**Sign, Portable:** Any sign designated to be moved easily and which is not permanently affixed to either the ground, structure, or a building.

**Sign, Poster:** A sign, temporary in nature and usually on paper or cardboard, used to advertise a coming event or attraction.

**Sign Program, Planned:** A plan providing coordinated signing for a business or a contiguous group of businesses and utilizing one or more common design elements such as colors, materials, lettering, illumination, sign type, and sign shape.

**Sign Review Authority:** The entity that has been given the authority by this Code to review and approve or disapprove a sign or Planned Sign Program, or any appeals or variances connected with such signs. The reviewing authorities include the Town Council, Planning and Zoning Commission, and the Zoning Administrator or his/her Designee.

**Sign Size or Area:** The entire area of the sign face, including non-structural perimeter trim but excluding structures or uprights on which the sign is supported.

**Sign, Special Event:** A temporary sign which advertises special events and activities such as grand openings, special sales, charitable events, Christmas trees, fireworks and other commercial and non-commercial events. Such signs are limited to the provisions listed in this Code.

**Sign Structure:** The structural supports, uprights, and bracing for a sign.

**Sign, Subdivision:** An on-site or off-site sign advertising the original sale, leasing, or renting of units within a subdivision.

**Sign, Surface Area:** The area of a sign as measured by the smallest geometric form such as a square, rectangle, triangle, or circle, or combination thereof, which will encompass the face of the sign on which the message is displayed.

**Sign, Temporary:** A sign utilized to identify a business or other activity for an interim period.

**Sign, Under Canopy:** A sign suspended beneath a projecting canopy, walkway cover, awning, ceiling or marquee.

**Sign, Window:** Any written representation, emblem, or other figure or similar character painted on or otherwise affixed or oriented to a window.

**Significant Feature:** The natural or man-made elements embodying style or type of cultural resource, design, or general arrangement and components of an improvement, including but not limited to, the kind, color, and texture of the building materials, and the type and style of all windows, doors lights, signs, and other fixtures appurtenant to such improvement.

**Site:** A lot or group of contiguous lots not divided by an alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Code.

**State:** The State of Arizona

**Stable, Commercial:** A structure or site for horses, mules or ponies which is rented, used, or boarded on a commercial basis for compensation.

**Stable, Private:** An accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not rented, used, or boarded on a commercial basis for compensation.

**Stealth Facility:** Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. Stealth facilities are also referred to as concealed antennas.

**Stockyard:** Enclosure for the holding of cattle, swine, horses and other domestic animals kept for slaughter, market or shipping.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it the space between such floor and the ceiling next above it.

**Street, Highway or Public Right-of-Way:** A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing the primary roadway to and egress from the property abutting thereon.

**Street, Collector:** A street or road that is intended to serve intensive residential, commercial, or industrial land use to convey traffic through a development to roads of equal or greater capacity.

**Street, Cul-de-Sac:** A road that is open at one end only, with special provisions for turning around, and the further extension of which is precluded by the land division design.

**Street (Private):** A private easement providing the primary roadway for ingress and egress from the property abutting thereon.

**Structure:** Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six (6) feet, or access drives or walks.

**Structural Alteration:** Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

**Structure (Main):** A structure housing the principal use of a site or functioning as the principal use.

**Structure (Nonconforming):** A structure which was lawfully erected, but which does not conform to the standards for yard spaces, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code.

**Subdivider:** A person, firm, corporation, partnership, association, or agent who proposes to divide, divides or causes to be divided real property into a subdivision.

**Subdivision:** The division of any unit of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment rolls as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future as set forth in the Town's subdivision ordinance.

**Substantial Change:** A revision to an adopted or proposed application or permit which would increase the intensity of site use or project-related traffic, increase the environmental impacts of the development, require a modification of approval findings, or modify conditions of approval specifically imposed by the approving body.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. When the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**Swimming Pools and Hot Tubs:** Water-filled enclosures having a depth of eighteen (18) inches or more used for swimming or recreation.

**Tattooing:** The act or process of marking or coloring the skin of a person by inserting pigments under or in the skin or by the production of scars.

**Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon expiration of the fixed time period.

**Town Council:** The Town Council of the Town of Superior, Arizona. The Town Council shall also serve as the Board of Adjustment for appeals on variances as set forth in Section 2.60 of this Code.

**Town Manager:** The Town Manager of the Town of Tusayan, Arizona.

**Trailer:** Any vehicle or structure used for sleeping, living, business, or storage purposes and having no foundation, other than wheels, blocks, skids, jacks, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transportation of the structure from place to place.

**Trailer (Nonresidential):** Any trailer designed for use as a construction building, temporary office, or the like.

**Trailer (Travel):** A self-contained vehicle without motive power, a portable structure with wheels built on a chassis that is designed as a temporary dwelling for travel, recreation, and vacation purposes, having a body width not exceeding eight (8) feet and a body length that does not exceed forty (40) feet.

**Truck Stop:** A facility for servicing trucks and tractor trailers, with or without a convenience market or restaurant. One or more of the following uses shall constitute a truck stop; (1) four (4) or more diesel fuel pumps; (2) Two or more truck washing bays; and (3) Facilities for the repair of diesel engines.

**Truck Yard:** the parking, storage, or maintenance of two or more commercial vehicles on any given lot or parcel of land.

**Unlicensed Vehicle:** any motor vehicle which is not currently licensed in the State.

**Use:** The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged for which either a site or a structure is or may be occupied or maintained.

**Variance:** A grant of relief from the requirements of this Code that permits construction, or use of land, in a manner that would otherwise be prohibited by this Code.

**Vehicle:** See "Automobile."

**Visible:** Likely to be noticed by a person of average height walking on a street or sidewalk.

**Walkway:** Walkway shall mean a sidewalk or other pathway for pedestrian use.

**Warehouse:** A building, or portion thereof, used for the commercial storage of good or merchandise and where not retail or wholesale operations are conducted at the site.

**Warehousing:** The use of a building or buildings for the storage of goods of any type, when such building or buildings contain more than five hundred (500) square feet of storage space and where no retail operation is conducted.

**Warehouse, Mini:** See self-service storage facility.

**Wholesale:** The sale of any type of goods or materials for the purpose of resale. Business that have both retail and wholesale sales shall be considered wholesale if at least fifty-one (51) percent of their sales volume is wholesale sales.

**Whip Antenna:** An antenna that transmits signals in 360 degrees. Whip antenna are typically cylindrical in shape and are less than six (6) inches in diameter and measure up to eighteen (18) feet in height. They are also referred to as omnidirectional, stick, or pipe antennas.

**Wireless Communications Facility:** A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers, and accessory buildings.

**Yard or Court:** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard or court upward except as otherwise provided in this Code, including a front yard, side yard, rear yard or court between structures.



**Yard (Front):** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

**Yard (Rear):** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting a street.

**Yard (Side):** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

**Yard (Junk or Salvage):** An area, improved or unimproved in excess of two hundred (200) square feet that; (1) upon which or in which is stored or kept junk, salvage, materials, scrap metals, inoperative vehicles equipment, or any combination thereof; (2) upon which or in which vehicles or equipment or other property is dismantled or wrecked; or (3) upon which or in which salvage materials, inoperative vehicles, equipment or parts therefrom, scrap metals, or any combination thereof is kept for resale. Materials or equipment kept on any premises for use in the construction of any building on such premises, and materials and equipment customarily used on a farm or ranch, and so situated, shall not be deemed "junk" or "salvage material" within the meaning of this subsection.

**Zoning Administrator:** The Town Manager, or his designee, of the Town of Tusayan, Arizona.

**Zoning District:** Those classifications of land, as included herein and identified on the Official Zoning Map, which regulate land use and establish standards by which the land may be developed and utilized.

**Zoning Code/Code/Ordinance:** The Zoning Code of the Town of Tusayan, Arizona.

## CHAPTER 2 PERMITS AND APPROVALS

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## CHAPTER 2 PERMITS AND APPROVALS

### **§2.10 Purpose and Intent**

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Code. These provisions will provide the framework by which applications will be determined to be complete and permitted to be filed.

### **§2.20 Development Review Process**

This Section establishes and explains the processes and procedures that must be followed and the application types required to be filed before new land uses or modification of existing land uses can be legally initiated.

- A. The Town shall maintain appropriate processes and procedures to ensure that proposed development projects are afforded an adequate and impartial review in accordance with Town codes, ordinances, resolutions, policies, and standards.
- B. Whenever an application for a zone change is inconsistent with the General Plan and/or this Code, that inconsistency shall be noted as part of the application. Prior to recordation of a final map or issuance of a construction permit, any inconsistencies so noted shall be resolved.

### **§2.30 General Plan Amendments**

- A. **Purpose and Intent:** As conditions with the Town change it may, from time to time, become necessary to amend the General Plan to enhance its effectiveness. The purpose of this section is to provide a method of amending the General Plan to ensure its continued effectiveness.
- B. **Authority:** The Town Council may amend all or part of the General Plan or any Element thereof. A major General Plan amendment may occur only once a year, while a minor amendment may occur four (4) times a year. Any proposed zone change, specific plan, development agreement, and subdivision of land shall be consistent with the General Plan.
- C. **Initiation of Amendments to the General Plan:** An amendment to the General Plan or to any Element thereof may be initiated by any of the following actions:
  - 1. A request made and approved by the Town Council.
  - 2. A request made by the Planning and Zoning Commission, Town Manager, or Zoning Administrator subject to approval by the Town Council.
  - 3. An application from a property owner or his/her authorized agent, provide that such application involves the development or modification of property located within the area affected by such amendment
  - 4. An application from any affected party, provided that such application involves only revisions to the goals, objectives policies and implementation programs of the General Plan.

- D. Authority and Hearings: Authority for approval a General Plan amendment shall be vested in the Town Council. Following a public hearing by the Planning and Zoning Commission, the Zoning Administrator shall forward the Commission's recommendations to the Town Council for its determination to approve, approve with modifications, or deny the amendment.
- E. Required Findings: An amendment to the General Plan shall not be approved unless all of the following findings are made:
1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan, or the General Plan as revised, and will not cause any internal inconsistencies with the General plan; and
  2. The proposed amendment will not adversely affect the public health, safety and general welfare; and

**§2.40 Amendments to the Zoning Code**

- A. Purpose and Intent: This Section establishes procedures for amending zone district regulations and zone map boundaries. The process is designed to provide and ensure consistency, effectiveness, and clarity in implementing this Code and consistency with the General Plan.
- B. Amendments to Zone Districts and Zoning Text: An amendment to zone district boundaries or zone text of this Code may be initiated by any of the following actions:
1. A request made and approved by the Town Council;
  2. A request made by the Planning and Zoning Commission, Town Manager, or Zoning Administrator subject to approval by the Town Council.
  3. An application from a property owner, or his/her authorized agent, provided such application involves the development or modification of property located within the area affected by such amendment; or
  4. An application from any affected party, provided that such application involves only revision to the text of this Code and does not require redistricting of properties for which the affected party is not the owner or authorized representative of the owner.
- C. Authority: Authority for approval of amendments to this Code, including amendments to the Official Zoning Map, shall be vested in the Town Council. The Zoning Administrator, following a public hearing by the Planning and Zoning Commission, shall forward the recommendations of the Commission to the Town Council for their determination to approve, modify, or deny the proposed amendment as follows:
1. A public hearing before the Town Council noticed and held within the time limits specified by State law and this Code, after an initiated application is deemed complete. A longer period of time may be prescribed by the Town Council pending unusual circumstances.
  2. The Town Council shall approve, approve with modification, or disapprove the proposed amendment. The Council's action shall be final.

- D. **Required Findings:** All of the following findings shall be made prior to adoption of any amendment to this Code, including amendment to the Official Zoning Map.
1. The proposed change of zone or text revision is consistent with the goals, objectives, policies, and programs of the General Plan.
  2. The proposed change of zone or text revision will not adversely affect the public health, safety and welfare, or result in an illogical land use pattern.

**§2.50 Conditional Use Permits**

- A. **Purpose and Intent:** A conditional use permit (CUP) is intended to control the establishment of those uses that have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The CUP application provides for the review of the location and design of the proposed use, configuration of improvement, potential impact on the surrounding area from the proposed use, and the evaluation of the use based on fixed and established standards. The review also determines whether the proposed use should be permitted by weighing the public need and benefit to be derived from the use against any adverse impact it may cause.
- B. **Authority:** Authority for approval, conditioned approval, or denial shall be the Planning and Zoning Commission during a public hearing process as set forth in §2.130 of this Code. However, the Town Council may call forth any conditional use permit acted upon by the Commission for its review and determination at its properly noticed public hearing.
- C. **Application:** An application for a CUP shall be filed with the Zoning Administrator in a manner and on the form provided by the Zoning Administrator.
- D. **Findings:** Following review and consideration of an application for a CUP, the Planning and Zoning Commission may (1) approve a CUP application in whole or in part, (2) approve with conditions, or (3) deny the application provided the Commission prepares a written decision which contains the findings of fact upon which the Commission's decision is based. In preparing this written decision, the following findings of fact must be made in an affirmative manner.
1. The proposed location of the conditional use is in accord with the objectives of this Code and the purpose of the zone in which the site is located; and
  2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvement in the vicinity; and
  3. The site is suitable for the type and intensity of use or development proposed; and
  4. There are adequate provisions for water, sanitation, public utilities and services to ensure the public health and safety.
- E. **Conditions of Approval:** In granting a conditional use permit, the Planning and Zoning Commission shall require that the use and development of the property conform to the site plan, architectural drawings, statements submitted in support of the application and with such modification thereof as may be deemed necessary to protect the public health, safety, and general

welfare. The Commission may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to the following matters:

1. Where applicable, requirements for setbacks, yard areas, open spaces, fences, walls, buffers, screening, landscaping, signs, parking requirements, street improvements and dedications, and building design.
  2. Limits on hours of operation or duration of approval, time period within which the proposed use will be developed, and such other conditions as may be determined to assure that development will be in accordance with the intent and purpose of this Code.
- F. Acceptance of Conditions: A conditional use permit shall not become effective for any purpose unless and "Acceptance of Conditions" form has been signed by the applicant and returned to the Zoning Administrator and no appeal has been filed with the Town Council.
- G. Revisions/Modifications: Requests to revise or modify an approved conditional use permit may be requested by the applicant of the Planning and Zoning Commission.
1. Revisions/Modifications Requested by Applicant: A revision or modification to any approved conditional use permit including, but not limited to change in conditions, expansions, intensification, location, hours of operation, or change of ownership, may be requested by an applicant. The applicant shall supply necessary information as determined by the Zoning Administrator to indicate reasons for the requested change. The request for revision or modification shall be processed in the same manner as the original conditional use permit.
  2. Review by the Planning and Zoning Commission: The Commission may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Commission deems that there is sufficient evidence to warrant a full examination, a public hearing date shall be set. At such public hearing, the Commission may modify or revoke the conditional use permit pursuant to the provisions of this Code.

## **§2.60 Variances**

- A. Purpose and Intent: The purpose of a variance is to provide for equity in use of property and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Code.
- B. Authority: Authority for approval, conditioned approval, or denial shall be the Board of Adjustment for a Major Variance, and the Zoning Administrator, for a Minor Variance as set forth in §2.60.C and §2.60.D of this Chapter. However, any aggrieved person may file an appeal to the Board of Adjustment for action by the Zoning Administrator for a Minor Variance. Within thirty (30) days of a decision by the Board of Adjustment an aggrieved person may file a complaint for special action in the Superior Court for review of the Board's decision. The Court may affirm or reverse, in whole or in part, or modify the decision reviewed.

A variance from the terms of the regulations of this Code shall be granted only when it is demonstrated that the strict application of the zoning regulations deprives such property of privileges enjoyed by other properties in the general vicinity and in the same zone district due to

special circumstances applicable to the property in question, including size, shape, topography, location or surroundings. Consequently, a variance to a zoning regulation prescribed by this Code may be granted with respect to development standards including, but not limited to walls, fences, screening and landscaping, site area, width, and depth, coverage, front, side, and rear yards, height of structures, usable open space, and on-street and off-street parking and loading facilities. In approving a variance the Zoning Administrator, for a Minor Variance and the Board of Adjustment for a Major Variance may impose reasonable conditions of approval.

C. Minor Variances: The Zoning Administrator may approve request for minor variances to modify the following requirements of this Code.

1. Minor parking lot improvements.
2. Up to thirty (30) percent of parking and loading space requirements, not to exceed two (2) spaces.
3. Up to twenty (20) percent of front yard setback requirements.
4. Up to forty (40) percent of side yard setback requirements, but no closer than three (3) feet from the property line.
5. Up to twenty-five (25) of rear yard setback requirement, but no closer than five (5) feet from the property line.
6. Up to ten (10) percent of area requirements, excluding lot area and dimension requirements.
7. Up to ten (10) percent of the maximum building coverage requirements.
8. Up to ten (10) percent of maximum gross area requirements.

D. Major Variances: Any request for a variance other than a minor variance shall be termed a major variance and shall be reviewed and acted upon by the Board of Adjustment.

E. Conditions: Conditions of approval for a variance may include, but shall not be limited to:

1. Requirements for open spaces, fences, walls, landscaping screening buffers, erosion control measures, and flood control measures including maintenance thereof.
2. Requirements for dedications and street improvements to provide ingress and egress for traffic circulation issues.
3. Regulation of hours of operation and any other conditions deemed necessary to ensure compatibility with surrounding land uses and to preserve the public health, safety, and welfare.

F. Required Findings: The Board of Adjustment, for a Major Variance and the Zoning Administrator for a Minor Variance, shall make all the following findings in a decision to grant a variance request.

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the vicinity and under the same zoning classification; and
3. That the strict interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification; and
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification; and
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

#### **§2.70 Design Review**

##### **A. Purpose and Intent**

1. Reasonably ensure that construction of new buildings or structures and additions, renovations, and restorations to existing buildings or structures, including residential, institutional, commercial, and industrial development does not have an adverse aesthetic, health, safety or architecturally related negative impact upon existing adjoining properties, or the Town in general.
2. Minimize the effects of grading by discouraging mass grading to ensure that the natural character of terrain is retained.
3. Encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.
4. Encourage the use of a variety of housing styles, split level grading techniques, varied lot sizes, site design densities, varied setbacks, maintenance of views and arrangement, and spacing to reduce impacts on adjacent developed properties.
5. Encourage the use of energy conservation techniques in all new development.

- B. **Projects Requiring Design Review:** No building permit for residential or commercial development, except for single family detached units and duplexes, shall be issued until the proposed project has received, as part of the building permit review process, design review approval pursuant to the provisions of this Chapter.
- C. **Town Council Review:** The Town Council shall review an application for design review for projects that otherwise require approval by the Council.
- D. **Planning and Zoning Commission Review:** The Planning and Zoning Commission shall review an application for design review for projects that otherwise require approval by the Commission.



The Planning and Zoning Commission shall also review and act upon any substantial development as set forth in §2.70.G.2 of this Chapter.

- E. Zoning Administrator Review: The Zoning Administrator shall review all applications for design review for projects that otherwise require approval by the Zoning Administrator.
- F. Residential Subdivision Land Use Design Criteria: It is the intent of the General Plan and the provisions of this Chapter to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the Town. The following represents components of design requirements for all residential subdivisions.
1. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yards building setbacks.
  2. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
  3. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the Town Building Official.
  4. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one-story element into the two-story structure shall be required when feasible.
  5. The minimum size for construction of a new house in the Town shall be six-hundred and fifty (650) square feet.
  6. All subdividers/developers shall be required to provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows:
    - a. Landscaping and an irrigation system for both the front yard and the street side yard (provided the street side yard is not obscured from sight from an adjacent street by fencing) of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one 15-gallon size tree; (2) ten percent (10%) of the yard area shall consist of a landscaped planter; and (3) the remaining portion of the yard area not occupied by a driveway, shall be improved with landscaping as approved by the Planning and Zoning Commission and Town Council.
    - b. Any proposal for an alternative landscaping plan shall be subject to review and approval by the body approving the original landscape plan.
  7. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.

8. Elevations shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevation of any other house in the same subdivision as seen from the street on which it faces. No two identical elevations shall be placed side by side within a subdivision.
9. If custom homes are not proposed, subdividers/developers of residential subdivisions shall provide a variety of floor plans and building elevations as depicted in Table 2.A below.

**TABLE 2.A.  
RESIDENTIAL FLOOR PLAN AND  
ELEVATIONS GUIDELINES**

| <b>Number of Single Family Dwellings</b> | <b>Min. No. of Bldg. Footprints (excludes reverse plans)</b> | <b>Min. No. of Elevations per Bldg. Footprint</b> |
|--|--|---|
| 1-3                                      | 1  | 1   |
| 4-8                                      | 2  | 2   |
| 9-18                                     | 3  | 2   |
| 19-36                                    | 3  | 3   |
| 37-60                                    | 4  | 3   |
| 61-99                                    | 4  | 3   |
| 100+                                     | 5  | 3   |

- The required number of building elevations may be reduced by one (1) for every two (2) building footprints added to the required minimum number specified in Table 2. A.

**G. Special Provisions:**

1. The provisions of the Section apply to all developments except single-family dwellings, duplex dwellings, and manufactured home parks.
2. Design review for projects, both new development and redevelopment, that is considered a substantial change shall be acted upon by the Planning and Zoning Commission. A substantial change would include any of the following:
  - a. More than twenty-five (25) percent change is the building façade;
  - b. Any change in the size of more than ten (10) percent of a building;
  - c. A change of two-hundred-fifty (250) square feet or more in site layout;
  - d. A change in the color of a building to more than five (5) percent of the exterior;
3. Design Review for all other changes to the exterior of any structure or change in appearance of any site that is not a substantial change shall be acted upon by the Town Manager or his/her designee. A decision by the Town Manager with regard to a non-substantial change may be appealed to the Planning and Zoning Commission.

**H. Design Standards and Guidelines:**

1. This Section includes guidelines for development and standards of design to be incorporated into a site plan. Other sections of this Code including requirements specific to the zoning district should also be incorporated into the site plan.
2. Architectural styles should be compatible with the unique location of the Town as a gateway to the south rim of the Grand Canyon. Architectural building forms should express sensitivity to this unique environmental setting while respecting the indigenous cultures.
3. Scale and mass of developments should be compatible with the natural environment and not dominate it. Architectural features which serve to break up the massive appearance of a structure should be utilized. These features can include variation in roof forms, the use of dormers, covered walkways and patios. All features should be in proportion of the building. In some cases, it may be deemed more appropriate and desirable to use smaller buildings which are clustered rather than a single massive structure.
4. External building materials should be predominantly those that fit the natural landscape such as native stone, logs, wood, broken faced block, exposed aggregate concrete, and stucco. The use of other materials such as synthetic or reprocessed stone and wood many be considered but will require that information be provided regarding manufacturing specifications, and product samples.
5. Earth tone colors that blend with local soils and vegetation are highly desirable. Various shades of browns and tans, subtle greens, as well as sandstone and limestone are encouraged. Bright colors such as orange, lime, aqua blue and white should be discouraged. Color schemes should complement the architectural style and mass of the buildings.
6. Roofs must meet the color requirements of the proposed building(s). Aluminum, white, or reflective roofs are not acceptable. Screening of mechanical equipment is encouraged to maintain a desirable aesthetic quality from street level or from adjacent structures.
7. The use of materials and colors to enhance the building design and break up the monotony of massive structures is encouraged.
8. Sufficient setbacks providing access to light, air, landscaping and views shall be incorporated into site design. The fifty (50) foot right-of-way flanking Highway 64 shall be fully landscaped in conjunction with all new development and redevelopment. The use of this transition zone for meeting some parking requirements may be appropriate, but not within thirty (30) feet of the highway.
9. Vehicle and pedestrian ways shall be clearly delineated to prevent congestion and conflicts. Service vehicle and delivery areas should be screened from view and don't interrupt the flow of traffic.
10. Parking lots should be designed to include adequate landscaping within the periphery and interior to break up the impermeable surface coverage. This may include the use of

landscape islands within the parking lot, clustering parking spaces into islands rather than long rows, and utilizing a variety of landscape material and decorative fencing.

11. Where bus and RV traffic is anticipated, site design should take into consideration maneuverability constraints and parking and passenger unloading needs.
12. Orientation of buildings should consider well marked entrances located within a logical relationship to the parking area and pedestrian walkways.
13. Signs with highly reflective surfaces or bright metal are highly discouraged. Signs shall comply with the provisions of Chapter 11 (Signs) of this Code.
14. The use of lighting as an attention-getting device is prohibited.
15. Outdoor light poles and fixtures should be compatible with the architectural styles of the development.
16. Low level bollard type light fixtures should be considered where they can be effective without becoming too dominant in the landscape.
17. Developments which incorporate energy conservation measures, water reuse, and material recycling are encouraged.

**I. Application Required:**

1. Any proponent, agent or sponsor of development or redevelopment shall first file a design review application for consideration by the Town Manager or the Planning and Zoning Commission.
2. The application shall contain the following:
  - a. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of the off-street parking area.
  - b. A landscape plan, drawn to scale, showing the locations of existing trees to be removed and trees to remain on site, the location and design of landscaped areas and the varieties and sizes of proposed plant materials. Also to be included are other landscape features such as sprinkler and irrigation systems.
  - c. Architectural drawings, drawn to scale, including all sides of building elevations and floor plans. All exterior surfacing materials and colors shall be specified.
  - d. Accurate scale drawings of all signs indicating their size height, material, color and illumination, if any.
  - e. Grading and drainage plans.
  - f. Such other data as may be required to permit the Town Manager or the Planning and Zoning Commission to ensure that the purposes of this Section are satisfied.

- J. Action by the Planning and Zoning Commission: For a substantial project, the Planning and Zoning Commission, within forty-five (45) days after receiving a project, shall act on the project. Failure of the Commission to act within the forty-five (45) days, the project shall be deemed approved unless the applicant consents to an extension of time.
- K. Effective Date of Design Review Decision: A decision of the Planning and Zoning Commission shall be effective immediately upon receipt by the Town Manager of a signed agreement to the conditions of approval, if any. The applicant may appeal the Commission's decision to the Town Council if an appeal is filed within fifteen (15) days of such decision.
- L. Action by the Town Council on an Appeal: An appeal of the Planning and Zoning Commission's decision shall, within forty-five (45) days after receiving the appeal, shall either approve, conditionally approve or disapprove the plans and drawings or request the applicant to revise the plans and drawings. Failure of the Council to act within the time period prescribed by this Section shall be deemed approval of the plans and drawing unless the applicant shall consent to an extension of time.
- M. Lapse of Design Review Approval: Design review approval shall lapse and shall be void one (1) year following the date upon which the plans and drawings were approved unless, prior to the expiration date, a building permit is issued and construction is commenced and diligently pursued toward completion.

**§2.80 Temporary Land Use/Occupancy Permit**

- A. The Zoning Administrator shall review and act upon all requests for temporary occupancy permits, or extensions thereof. The Planning and Zoning Commission shall review and act upon all request for temporary land use permits, or extension thereof in accordance with §2.80 of this Chapter. The Zoning Administrator, for temporary occupancy permits, and the Commission for temporary land use permits, shall approve, conditionally approve, or deny any such applications subject to the findings and standard conditions set forth in this Chapter.
- B. Those uses subject to a temporary occupancy permit include the following:
1. Temporary real estate offices on the site of an approved subdivision where lots, or lots and houses are being offered for sale.
  2. Model home(s) on any lot within a tentatively approved subdivision consistent with the provision of the Town's Subdivision Ordinance.
  3. Construction trailers, commercial cargo/storage containers, temporary office buildings, security personnel offices on construction sites for which a project has been approved and a building permit or grading permit has been issued by the Town.
  4. On-site contractor's yard during the construction phase of an approved project for which a building permit or grading permit has been issued.
  5. Commercial cargo/storage containers ("Containers") may be placed by a temporary occupancy permit only in the Commercial and Industrial zone districts of the Town.
- C. Those uses subject to a temporary land use permit include the following: In only the commercial and industrial zone districts, placement of temporary buildings, commercial cargo/storage

containers, trailers, coaches and similar items may be permitted subject to an approved temporary land use permit.

- D. Temporary occupancy permits and temporary land use permits shall be issued for a period of time not to exceed five (5) years from the date the permit was first issued.. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months. Temporary occupancy permits and temporary land use permits shall comply with the procedures, findings and conditions specified by this Title.

1. The Zoning Administrator, for a temporary occupancy permit, or the Planning and Zoning Commission, for a temporary land use permit, may approve such permits or extensions for shorter periods of time and shall approve such permits subject to conditions where required by this Code or where it is determined reasonable and necessary to do so.
2. Prior to issuing a temporary occupancy permit or a temporary land use permit for an extension or renewal for the last allowed period of time, the applicant shall submit to and obtain approval by the Zoning Administrator or the Town Council, as applicable, of a plan to replace the subject temporary use with a legally established permanent use.
3. A temporary use or structure that does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.
4. A change of ownership or operator of a use or structure, subject to a temporary occupancy permit or a temporary land use permit shall not affect the time periods established by approval to allow such temporary uses or structures.

E. Cancellation of a Temporary Occupancy/Land Use Permit

1. Noncompliance with the conditions set forth in approving a temporary occupancy/land use permit shall be grounds to cancel and void any such permit by the approving authority consistent with the provisions of §2.180 of this Chapter.
2. The Zoning Administrator shall give notice of such an action to the permittee. The permittee may appeal such a decision to the Town Council by filing an appeal as specified in §2.170 of this Chapter.

**§2.90 Special Event Permits**

- A. Purpose and Intent: A special event permit is intended to allow for the short-term placement of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.
- B. Authority: Authority for approval of special event permits shall be vested with the Town Council and is not subject to a legally noticed public hearing.
- C. A special event permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. A special event may be subject to additional permits, other Town department approvals, licenses, and inspections as required by this Code or any other applicable laws and regulations.

- D. Permitted Special Events: Table 2.B of this Chapter identifies those special events permitted subject to the issuance of a special event permit.

**Table 2.B  
Special Event Criteria**

| <b>Permitted Temporary Zones Uses<br/>(With a Permitted Special Event Permit)</b>   | <b>Zones</b>   | <b>Max. No. of<br/>Days per<br/>Calendar Year</b> | <b>Max. No. of<br/>Occurrences<br/>per Calendar<br/>Year</b> |
|---|--|---|--|
| Non-commercial tent meetings  | All districts  | 10  | 1  |
| Circus with tent  | All commercial and industrial districts  | 10  | 1  |
| Commercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures   | All commercial and industrial districts  | 10  | 2  |
| Non-commercial carnival, fair, concert, exhibit, festival or similar, outdoors or in temporary enclosures   | Public schools, parks, church grounds, sites for non-profit organization, commercial, and industrial districts | 10  | 2  |
| Commercial and non-commercial holiday sales, such as pumpkin or Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items | All commercial and industrial zone district  | 30  | 2  |
| Merchandise sale, outdoors or in mobile or temporary enclosures in conjunction with established business  | All commercial districts   | 14  | 4  |

- D. Criteria for Special Event Permit Issuance: The Town Council shall consider the following criteria in rendering its decision relative to a special event permit application:
1. The operation of the requested special event at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
  2. The proposed site is adequate in size and shape to accommodate the special event without being materially detrimental to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
  3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the special event will or could reasonably be expected to generate; and
  4. Adequate temporary parking to accommodate vehicular traffic to be generated by the special event will be available either on site or at alternate locations acceptable to the Town Council.

- E. Conditions of Approval: In approving an application for a special event permit, the Town Council may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Police and fire concerns;
7. Provision of security and safety measures;
8. Regulation of signs;
9. Regulation of operating hours and days, including limitation of the duration of the special event to a short time period than that requested;
10. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former conditions;
11. Submission of a site plan indicating any information required by this Chapter;
12. A requirement that the approval of the requested special event permit is contingent upon compliance with this Code and with applicable provisions of other ordinances; and
13. Other conditions that will ensure the operation of the proposed special event in an orderly and efficient manner and in accordance with the intent and purpose of this Section.
14. Liability insurance of the type and in the amount required by the Town Council or Town Attorney.

#### **§2.100 Tenant Improvements**

- A. Purpose and Intent: The purpose of this Section is to provide guidelines for the processing and review of tenant improvements to structures. Any proposed tenant improvement, which in its initial review indicates an increase in land use intensity, e.g., an increase in parking demand, may be subject to additional review as determined by the Building Official.



- B. Authority: The Building Official may approve tenant improvements that comply with the requirements, provisions and intentions of this Code and Building Codes.
- C. Findings: The Building Official may approve a tenant improvement if all of the following findings can be made:
1. The improvement is permitted within the applicable district, pursuant to the provisions of this Code.
  2. The site for the proposed use is adequate in size, shape, topography, accessibility and other physical characteristics to accommodate the proposed use and development in a manner compatible with existing and proposed surrounding land uses; and
  3. The improvement will not be detrimental to the public health, safety or welfare, or adversely affect properties and improvements in the vicinity.

#### **§2.110 Non-conforming Uses and Structures**

- A. Purpose: This Section is intended to limit the number and extent of non-conforming uses by regulating their enlargement, re-establishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of non-conforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Code.
- B. Applicability: This Section shall apply to any site, structure, or use that was legally established, but does not conform to the provisions of this Code as originally adopted or as may be amended from time to time. "Non-conforming" refers to a legally established site that does not meet the minimum dimensional requirements of the applicable zone, or a legally established use that is not permitted by the applicable zone, a legally established structure that does not, because of its size or location does not meet the standards of the applicable zone, or any combination thereof.
- C. Discontinuation of Non-conforming Use: Whenever a non-conforming use has been discontinued for a continuous period of one hundred eighty (180) days or more, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone district in which it is located, provided that this section shall not apply to the use of a non-conforming single family dwelling located in a zone district that permits single family dwellings. Discontinuation shall include termination of a use regardless of intent to resume the use.
- D. Continuation and Maintenance:
1. Any non-conforming structure or use may be continued and maintained provided that there are no structural alterations, except as hereinafter provided:
    - a. Agricultural crops shall not be subject to the provisions of this section;
    - b. Agricultural uses that involve permanent structures shall be subject to the provisions of this section; however, such uses shall be permitted to make any changes or improvements that are required by any State law or Town ordinances, including structural alterations that are necessary as a part thereof.

2. A structure or use may be maintained for the following periods of time after the effective date of the regulation or ordinance that established it as non-conforming:
  - a. Commercial and office uses, such as those primarily permitted in commercial and employment districts may continue for a period of thirty (30) years;
  - b. Industrial uses, such as those primarily permitted within industrial districts may continue for a period of forty (40) years;
3. Any Structure for which a building permit has been legally issued, and on which substantial construction has been performed in reliance thereon on the site before an amendment to the regulation or ordinance making the use or structure non-conforming, may be continued in accordance with the plans and specifications upon which the permit was issued, subject to the limitation of this section.
4. A property containing a legally established structure that does not conform with applicable development standards for front yards, side yards, rear yards, height, floor area of structures, or open space for the district in which the property is located, shall be deemed to be a non-conforming structure, and may be used and maintained as provided herein.
5. A legally established sign as provided in this Code.
6. Routine maintenance and repairs may be performed on a non-conforming use, structure, or sign.

**E. Alterations and Enlargements of Non-conforming Uses and Structures:**

1. A non-conforming use shall not be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity.
2. A non-conforming use shall not be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site that it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site.
3. A non-conforming structure shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yard, rear yard, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone district in which the structure is located.

**F. Restoration of a Damaged Structure:**

1. Whenever a non-conforming structure is destroyed to the extent of fifty (50) percent or less by fire, calamity, or act of God, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one hundred twenty (120) calendar days and diligently pursued to completion. When the destruction exceeds fifty (50) percent, or the structure is voluntarily razed or is required by law to be

razed, the structure shall not be restored except in full conformity with the regulations for the zone district in which it is located, and the non-conforming use shall not be resumed.

2. The extent of damage shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the most currently adopted Town Building Code.

#### **§2.120 Application Filing**

- A. **Purpose and Intent:** These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments and approvals when required or permitted by this Code.
- B. **Application Forms:** Requests for permits, appeals, amendments, approvals, and other actions required or permitted by this Code shall require that a completed application on a form provided by the Zoning Administrator be submitted to the Zoning Administrator in addition to any other materials, reports, dimensions, plans, or other information required to take an action on the applications.
- C. **Determination of Completeness:** No application shall be processed pursuant to this code prior to the determination by the Zoning Administrator that the application is complete. A completed application shall consist of:
  1. The application form with all applicable information included on, or attached to the form;
  2. The additional information, reports, dimensions, drawings and other material specified on the application form;
  3. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the adopted General Plan;
  4. Payment in full of the required fees for processing the application; and
  5. Other information as may be required on the application form, as prescribed by the Zoning Administrator.
- D. The Zoning Administrator shall determine in writing the completeness of the application, and shall transmit this determination to the applicant within the time limits and in such form and content and with respect to such types of project applications as established by applicable Town regulations. The statutory time periods for processing any applications pursuant to this Code, which are subject by State law to such time limits, shall commence upon the date the application is accepted as complete.
- E. **Additional Information:** Notwithstanding procedures in this Chapter for determination of completeness, the Zoning Administrator may request the applicant to submit additional information in the course of processing the application if such information could not have been anticipated as part of the original application. Such a request to clarify, amplify, correct, or otherwise supplement submitted information shall not invalidate the original determination that the application was complete at the time the determination was originally made.

- F. **Fees:** The Town Council may, by resolution, establish, and from time to time amend, a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Code to reimburse the Town for costs incurred resulting from administration of this Code.
- G. **Who May File An Application:** Unless otherwise specified in this Code, applications for permits and approvals may be made only by the affected property owner or the property owner's authorized agent or representative.
- H. **Applicant Notification:** At the time of filing an application, the Zoning Administrator shall inform the applicant that he or she may make a written request to receive notice from the Town of any proposal to adopt or amend the General Plan, a Specific Plan, Zoning Ordinance, or an ordinance affecting building permits that may affect the application being filed. The applicant shall specify, in writing, the proposed action for which notice is requested. Prior to taking any of those actions, the Zoning Administrator shall give notice to any applicant who has requested notice of the type of action proposed and whose development proposal is pending before the Town if the Zoning Administrator determines that the proposal is reasonable related to the applicant's pending development request.
- I. **Consideration of Concurrent Applications:** An application which is dependent on approval of a change of zone or other enabling application(s) shall be processed concurrently with such enabling application(s). The approval authority for such dependent application shall be vested with the body authorized to approve the enabling application(s).
- J. **Time Limit for Approving Applications:**
1. Extension of the time limit for action on an application, as specified in the above paragraphs, may be granted if mutually agreed upon by the applicant and Zoning Administrator.

#### **§2.130 Public Hearing and Notification Procedures**

- A. **Purpose:** This Section defines procedures for conducting public hearings for applications pursuant to this Code unless otherwise specified in this Code. The purpose of this section is to ensure public awareness and full open public discussion and debate regarding proposed actions pursuant to this Code.
- B. **Public Hearing Date:** Where required by State law, and unless otherwise specified in this Code, a public hearing on any application shall be scheduled before the Planning and Zoning Commission and the Town Council on the earliest appropriate date.
- C. **Notice of Hearings:**
1. Notice of public hearings shall be given as required by law by all of the following methods:
    - a. Publication in a newspaper of general circulation with the City at least fifteen (15) calendar days prior to the public hearing;
    - b. Mailing at least fifteen (15) calendar days prior to the public hearing, to all owners of property within a distance of three hundred (300) feet from the exterior

boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the latest equalized County Assessor rolls shall be used.

- c. Mailing at least fifteen (15) calendar days prior to the public hearing, or to delivering at least fifteen (15) calendar days prior to the public hearing, to each local agency expected to provide essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
- d. Mailing at least fifteen (15) calendar days prior to the public hearing, or delivering at least fifteen (15) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, and to the project applicant and the applicant's authorized representative, if any;
- e. Mailing at least fifteen (15) calendar days prior to the public hearing, to any person who has filed a written request with the Town Manager and has provided the Town Manager with a self-addressed stamped envelope for that purpose.
- f. Any other means prescribed by law, or desired by the Town.

2. Exceptions:

- a. If the number of owners to whom notice is to be mailed or delivered pursuant to Paragraph 2 above, herein, is greater than one thousand (1,000), in lieu of mailed or delivered notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation in the Town at least fifteen (15) days prior to the hearing.
  - b. For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given by mail to each tenant of the subject property and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard.
3. The Zoning Administrator may require that additional notice of the hearing be given in any other manner he deems necessary or desirable to ensure that all notice requirements provided by law for the proposal are complied with.
4. All notices of public hearings shall include a description of the project and the identity of the hearing body or officer(s), shall describe the property, date, time and place of the scheduled hearing, shall describe the location where the project is available for review and for public inspection, and describe the manner in which additional information and/or testimony may be received.

D. Conduct of Public Hearings:

- 1. Public hearings held pursuant to the provisions of this Code shall be held according to such public hearing rules as the Town Council may, from time to time, adopt by resolution or ordinance.

2. The Mayor may require that witnesses be sworn, prior to providing testimony at the Town Council public hearing, respectively.

E. Scheduling of Public Hearings:

1. A public hearing before the Planning and Zoning Commission and the Town Council shall be no less than fifteen (15) days prior to said hearing:
2. An appeal filed to the Planning and Zoning Commission on a decision made by the Zoning Administrator shall occur with fifteen (15) days of the Zoning Administrator's decision.
3. An appeal to the Town Council on a decision made by the Planning and Zoning Commission shall occur within fifteen (15) days of the Commission's decision.

**§2.140 Approval to Extend with Land:** Unless otherwise specified, all permits and approvals granted pursuant to this Code shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

**§2.150 Effective Date of Decision:** A decision that is subject to appeal shall not become effective for ten (10) calendar days following the action by the appropriate decision-making body in order to allow time for the filing of an appeal of the decision.

**§2.160 Lapse of Approvals and Extensions of Time**

- A. **Expiration of Permits:** Approvals for projects not subject to the Town's subdivision ordinance or building permits shall lapse and become void twelve (12) months from the approval date, unless otherwise specified in this Code, unless a different expiration date is specifically established as a condition of approval to the extent permitted by law, unless a valid building permit is in effect in reliance upon the approved entitlement and substantial construction has commenced and is diligently pursued toward completion, or unless the property has been occupied and the approved use fully commenced.

B. Extension of Time:

1. Authority. An extension of time may be granted for projects approved under this Code, where substantial construction has not yet commenced or has not yet been completed or where the property has not yet been occupied and the approved use not fully commenced. Approvals for extension of time may only be granted by the original approving authority.
2. Submittal of Extension Requests:
  - a. Extension requests for projects not subject to the Town's Subdivision Ordinance and/or not involving Town building permits shall only be considered if filed with the Zoning Administrator no less than thirty (30) calendar days nor more than ninety (90) calendar days prior to the expiration date of the permit or approval.

- b. A subdivider may request an extension for projects subject to the Town's Subdivision Ordinance by written application to the Zoning Administrator in accordance with the provisions of the Town's Subdivision Ordinance and this Code.
3. Time Limits on Extensions: Extensions may not exceed a total of three (3) years from the original date of expiration unless otherwise provided by law; and may be for shorter periods of time.
4. Circumstances Under Which Extensions May Be Granted: An extension of the approval of a project may be granted only if it is found that granting of an extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

### **§2.170 Appeals**

#### **A. Appeal of Action (Except as provided in §2.60 of this Chapter):**

1. Any person may appeal a decision of the Zoning Administrator for a Minor Variance to the Board of Adjustment where the Zoning Administrator's decision would otherwise be final.
2. Any person may appeal a decision made by the Board of Adjustment to the Superior Court for a special action or review of the Board of Adjustment's decision. The Court may affirm or reverse, in whole or in part, or modify the decision reviewed.

#### **B. Filing of Appeals:** Appeal application forms shall be made available at the Town Hall for anyone wishing to appeal an action taken by the Zoning Administrator to the Board of Adjustment. Appeal applications shall be filed with the Zoning Administrator within the ten (10) calendar days following the date of action for which an appeal is made unless otherwise provided in this Code. If the last day to file falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to act. Appeals shall be forwarded to the Town Clerk by the Zoning Administrator.

#### **C. Appeal Hearings:** Public notice of an appeal hearing shall be given in the manner consistent with Section 2.130 (Public Hearing and Notification Procedures) of this Code.

#### **D. Effective Date of Appealed Actions:** Except as otherwise provided for in this Code, an action that has been appealed shall not become effective until a final determination is made by the Board of Adjustment.

### **§2.180 Revocation of Permits**

#### **A. Purpose and Intent:** In order to protect the public health, safety and welfare, and in order to enforce the provisions of this Code, it may, from time to time, become necessary to revoke a previously authorized approval or approved permit. The purpose of this Section is to provide a process for revoking approvals or permits to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the Town.

#### **B. Authority:** Authority to revoke permits or approvals shall be vested with the Planning and Zoning Commission where the Commission was the final approving authority in granting the

permit or approval. Authority to revoke permits or approvals shall be vested with the Town Council where the Council was the final approving authority in granting the permit or approval. A public hearing pursuant to §2.130 of this Chapter shall be required for revocation of permits or approvals. Notwithstanding the above, the Building Official shall have the authority to revoke building permits pursuant to the provisions of the Uniform Building Code.

C. **Required Findings:** A permit or approval subject to revocation pursuant to the provisions of this section may be revoked by the Planning and Zoning Commission or the Town Council if any one of the following findings is made:

1. That the permit or approval was obtained by misrepresentation or fraud.
2. That the use for which the permit or approval was granted has ceased, and was suspended for six (6) or more consecutive calendar months.
3. That the conditions of the permit or approval have not been met or the permit or approval granted is being or has been exercised contrary to the terms of the permit or approval or in violation of any statute, ordinance, law, or regulation.
4. That the public health, safety and welfare can be served only by revocation.

D. **Notification and Time Limits for Correction**

1. The Zoning Administrator shall notify the holder of the permit or approval in writing of a decision to initiate a pending revocation, shall state specifically the reasons for the proposed revocation, and shall provide a period of thirty (30) calendar days for the holder to correct or show substantial progress toward correcting the defect(s) that serve as the basis for the proposed revocation. In the event said defects are not corrected within thirty (30) calendar days from the date the notice is mailed, or substantial progress is not made during said thirty (30) day period and diligently continued until fully corrected, a public hearing date before the Planning and Zoning Commission or the Town Council where applicable, shall be set pursuant to the provisions of § 2.130 of this Chapter.
2. In taking action to revoke a permit, the Planning and Zoning Commission or the Town Council shall have the discretion to set the effective date of the revocation in order to allow the permit holder adequate and appropriate time in which to make necessary corrections.

**§2.190 Public Participation**

- A. **General Plan:** In compliance with State statutes, the Town Council adopted a General Plan where all procedural requirements for adoption of the General Plan, as set forth in A.R.S., Sections 461.05 and 461.06 have been followed. Nothing therein shall preclude the Town Council from adopting revisions to the General Plan or adopting new Elements to the General Plan in a manner provided by law.
- B. **Zoning:** The citizen review process and all notification and hearing requirements apply to a zoning ordinance that changes any property from one zone to another, imposes any regulation not previously imposed on a property, or removes or modifies any regulation previously imposed.



1. Notification will be provided to adjacent landowners and potentially affected citizens of the application as provided in §2.130.C of this Code.
2. The Town will inform adjacent landowners and potentially affected citizens of the substance of the proposed rezoning as provided in §2.130 of this Code.
3. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issue or concerns with the proposed rezoning before the public hearing as provided in §2.130 of this Code.
4. In addition to §2.130 of this Code, A.R.S. §9-462.04, and A.R.S. §9-462.03 the requirements for a rezoning hearing shall include the following:
  - a. Notice of the time and place of the public hearing;
  - b. A general explanation of the matter to be considered, and
  - c. A description of the area affected.

**CHAPTER 3**  
**RURAL RESIDENTIAL ZONE DISTRICTS:**

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## CHAPTER 3 RURAL RESIDENTIAL ZONE DISTRICTS

### §3.10 Purpose and Intent

- A. The General Plan outlines goals, objectives and policies regarding the character of residential land uses and development. It is the purpose of this Chapter to provide regulations that implement those goals, objectives and policies and to assure availability of a wide range of residential housing opportunities and dwelling types to meet the needs of present and future Town residents of all socio-economic groups.
- B. It is also the intent of this Chapter to ensure adequate light, air, privacy, and open space for each dwelling, minimize traffic congestion, protect residential properties from objectionable noise, illumination, unsightliness, odors, smoke and other deleterious influences, and facilitate the provision of public and private services and facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

### §3.20 Rural Residential Development Districts

- A. Rural Residential (RR) Zone District: This zone is intended to designate areas of the Town for low density residential use on a minimum lot size of one (1) acre where life styles are conducive to rural family living and pursuits.
- B. Residential Single Family (RS-20) Zone District: This zone district is intended for a lower density single family residence on a minimum lot size of twenty thousand (20,000) square feet. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of a residential single family neighborhood.
- C. The following uses shall be permitted where the letter "P" appears, permitted subject to an approved conditional use permit where the letter "C" appears, and prohibited where the letter "X" appears on Table 3.A. below:

**TABLE 3.A  
Rural Residential Zone Districts**

| <b>Rural Residential</b>  | <b>RR</b> | <b>RS-20</b> |
|---|-----------|--------------|
| Manufactured home   | P         | P            |
| Single-family dwelling or modular home                            | P         | P            |
| Travel trailer (8 foot x 32 foot minimum size) or park model      | C         | C            |
| Group homes and assisted care facilities per §1.160 (Definitions) | P         | P            |

| <b>Rural and Related Uses</b>              | <b>RR</b> | <b>RS-20</b> |
|--|-----------|--------------|
| Animal hospitals and veterinary facilities | C         | C            |
| Aviaries and apiaries                      | P         | P            |
| Boarding of 1 or 2 horses for compensation | P         | P            |
| Cattle and sheep ranch operations          | C         | C            |
| Commercial kennels                         | C         | C            |

| <b>Rural and Related Uses (con't)</b>  | <b>RR</b> | <b>RS-20</b> |
|--|-----------|--------------|
| Recreational facilities such as rodeos, hunting and riding clubs, riding academies, country clubs, tennis and swim clubs, golf courses, with incidental limited commercial uses commonly associated and directly related to the primary use  | C         | C            |
| Keeping poultry or rabbits for non-commercial purposes, per §9.40 of this Code   | P         | P            |
| Keeping wild, exotic or non-domesticated animals, §9.70 of this Code   | C         | C            |
| Keeping or raising animals for commercial purposes including commercial stables, per §9.40   | C         | P            |
| Non-commercial keeping of horses and other domestic farm-type animals not including chickens, rabbits or common household pets, per §9.40 of this Code   | P         | P            |
| Note: A minimum of 1 acre of land shall be required for keeping such animals; 2 such animals for the first acre and up to 1 additional animal for each additional ½ acre. No such animal may be sheltered, fed or watered closer than 100 feet to an adjacent parcel or lot. The keeping of such animals are subject to the requirements of the Coconino County Health Department and Animal Control Division. |           |              |

| <b>Public and Semi-Public Uses</b>  | <b>RR</b> | <b>RS-20</b> |
|---|-----------|--------------|
| Airports, landing fields, heliports and related activities and uses   | C         | C            |
| Cemeteries, human and pet   | C         | C            |
| Churches, convents, monasteries and other religious institutions  | C         | C            |
| Day care center and group homes, per §9.140 of this Code  | P         | P            |
| Educational institutions, public or private   | C         | C            |
| Hospitals   | C         | C            |
| Libraries and museums   | P         | P            |
| Preschools  | C         | C            |
| Public parks and recreational facilities  | P         | P            |
| Public utility and public service substations, reservoirs, pumping plants and similar installations, flood control facilities, excluding public utility offices | C         | C            |

| <b>Other Uses</b>   | <b>RR</b> | <b>RS-20</b> |
|---|-----------|--------------|
| Soil and water resource conservation projects                       | P         | P            |
| Solar and geothermal stations                                       | C         | C            |
| Wireless telecommunications facilities, per §9.90 of this Code      | P         | P            |
| Home occupations, per §9.180 of this Code                           | P         | P            |
| Model homes and subdivision sales offices                           | P         | P            |
| Temporary occupancy and temporary land uses, per §2.80 of this Code | C         | C            |
| Bed and breakfast establishments                                    | C         | C            |
| Fire and Police stations  | P         | P            |

| <b>Accessory Uses</b>   | <b>RR</b> | <b>RS-20</b> |
|---|-----------|--------------|
| Accessory uses and structures on the same site as a conditional use | C         | C            |
| Accessory uses and structures on the same site as a permitted use.  | P         | P            |
| Accessory structures in excess of 3,000 square feet                 | C         | C            |
| Guest house or accessory living quarters.                           | P         | P            |
| Metal storage containers per §9.290 of this Code                    | P         | P            |

**§3.30 Property Development Standards**

A. **General:** The following property development standards shall apply to all land and buildings, permitted in the respective zones, except that any lot shown on an official subdivision map that was duly approved and recorded, or any lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code may be used as a building site; except for any lot having an area of less than five thousand (5,000) square feet. For access purposes, each building site shall have a minimum thirty (30) foot wide easement or right-of-way. A turnaround with a minimum radius of twenty-five (25) feet shall be provided at the end of each easement over one hundred-fifty (150) feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by said easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to all weather standards.

B. **Special Requirements:**

1. In the RR zone district the minimum lot size shall be one (1) acre; in the RS-20 zone district the minimum lot size shall be twenty thousand (20,000) square feet. However, larger minimum lot sizes may be specified and designated on the Official Zoning Map by attaching a number following the zone classification. For example, "RR-2 means a minimum lot size of two (2) acres, RR-3 means a three (3) acre minimum, and so on.
2. In the RR and RS-20 zone districts interior side and rear setback area may be used for off-street parking, landscaping, and recreational purposes.
3. A travel trailer, park model, or fifth-wheel trailer, but not a recreational vehicle, may be established as a permanent residence in the RR zone, subject to the granting of a conditional use permit. Establishment of such a use shall require the installation of a permanent wastewater disposal system and connection to appropriate utilities.
4. In the RR and RS-20 zone districts, one mobile home, recreational vehicle, park model, or travel trailer per lot or parcel may be used for temporary residence not to exceed one-hundred (100) days, provided, the lot or parcel is not already occupied by a dwelling. A temporary use permit shall be obtained prior to establishing said temporary residence. The mobile home, travel trailer, park model, or recreational vehicle must be removed from the parcel upon the expiration of the temporary use permit, unless substantial work has been done on a permanent residence and an extension of time is thereby granted.
5. In the RR and RS-20 zone districts, swimming pools when located within three hundred (300) feet of a neighboring residence shall be enclosed by a wall or fence not less than five (5) feet in height as set forth in §9.270 (Swimming Pools) of this Code.
6. A building permit, as required by the Town's Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structures.

C. **General Requirements:**

1. The following requirements are a minimum unless otherwise noted.

**TABLE 3.B**  
**Development Standards**

|   | <b>RR</b> | <b>RS-20</b>   |
|---|-----------|----------------|
| Building site or as specified in Section 3.30.B.1 | 1 ac.     | 20,000 sq. ft. |
| Distance between buildings in feet                | 10        | 10             |
| Dwelling unit per parcel, maximum                 | 1         | 1              |
| Front yard, in feet                               | 30        | 25             |
| Lot coverage, maximum                             | 25%       | 35%            |
| Lot depth, in feet                                | 150       | 125            |
| Lot width, in feet                                | 100       | 80             |
| Off-street parking spaces – per dwelling unit     | 2         | 2              |
| Rear yard, in feet                                | 30        | 20             |
| Side yard – interior, in feet                     | 20        | 10             |
| Side yard – street side, in feet                  | 25        | 15             |
| Structure height, maximum, in feet                | 45        | 35             |
| Minimum house size in sq. ft.                     | 600       | 600            |

2. Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be eighty (80) percent of the setback show in Table 3.B above; except that in no case shall the setback be less than five (5) feet.

### **§3.40 Performance Standards**

- A. All required landscaping shall be permanently maintained in a neat and orderly condition.
- B. With the exception of vehicles described in subdivision E. below, outdoor parking of personal vehicles that are currently licensed, operable, and used for regular use by the residents may be parked in the driveway. Vehicles that are not currently licensed or operable shall be considered as outdoor storage and shall be housed or screened per division C. below. Required front and street side setback areas shall not be used for parking or storage of other vehicles, accessories to a vehicle, which includes, but is not limited to travel trailers, recreational vehicles, camper shells, boats, utility trailers, motor bikes and the like. One vehicle or travel trailer for sale may be parked on or adjacent to the driveway, but not elsewhere in the front or street side setback area.
- C. In all RR and RS-20 zone districts, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, tires, secondhand building material, pipes, drums, appliances, household furniture, household refuse, unlicensed trailers and the like shall be permitted subject to the following conditions.
1. For any lot or parcel of land, the area permitted for the above described outdoor storage shall be two hundred (200) square feet. An additional one hundred (100) square feet of outdoor storage per acre for properties larger than one (1) acre shall be permitted up to a maximum of one thousand (1,000) square feet.
  2. On any lot or parcel of land, all outdoor storage shall be located to the rear of the property and screened from neighboring properties and roadways by a wall, non-transparent fence, landscaping, or other structure. Any such wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts and the

like shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. The provisions of this division shall not be construed to restrict the storage of firewood maintained for personal use by the occupants of the premises.

3. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as set forth in this Code.
  4. Screened outdoor storage areas shall not be permitted on any parcel unless there is a residential dwelling on said parcel.
- D. Temporary storage of construction materials shall be permitted on any lot or parcel of land provided that such materials are being used in conjunction with a valid construction project on said parcel.
- E. Commercial vehicles exceeding twenty-six thousand (26,000) pounds gross vehicle weight, including but not limited to semi-tractors, semi-trailers, dump trucks, and the like and any associated commercial equipment shall not be parked, stored or serviced on any lot or parcel of land, except as set forth in Chapter 10 (Parking Regulations) of this Code.
- F. The storage of a mobile home on any parcel of land is prohibited, except as set forth in §8.310 (Storage) of this Code.
- G. Where commercial, industrial, public or semi-public uses are established, a masonry wall or alternative opaque fence six (6) feet in height, as measured from the highest adjacent grade and screened landscaping may be required by the Planning and Zoning Commission to be erected and maintained between such uses and adjacent residential uses on those properties.
- H. Apparatus needed for the operation of active and passive solar energy systems or other alternative energy systems including, but not limited to overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to approval by the Town Manager. In review of the apparatus, the Town Manager shall ensure compliance with required development standards and may require additional measures to minimize negative visual impacts on the community and adjacent properties.

**§3.50 Signs:** No sign or outdoor advertising shall be permitted in the RR and RS-20 zone districts, except as provided in Chapter 11 (Signs) of this Code.

**§3.60 Accessory Structures**

- A. **General:** In the RR and RS-20 zone districts, all accessory structures (excluding guest house/accessory living units as provided for in this Chapter) shall be subject to the following restrictions:
1. Bathroom facilities shall be limited to one sink and one toilet.
  2. No kitchen facilities or wet bars shall be permitted.
  3. Use of accessory structures shall be consistent with the provisions of §3.20 and §3.30 of this Chapter
  4. Accessory structures shall be limited to a maximum size of 3,000 square feet. Any accessory structure which exceeds 3,000 square feet shall require a conditional use permit.

5. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted; subject to the provisions of §9.290 of this Code.
  6. Accessory structures may be established on a temporary basis, subject to the provisions of §2.80 of this Code, prior to the dwelling or primary structure.
- B. Attached Structures. An accessory structure that is attached to the main structure shall meet all of the setback requirements of the main structure.
- C. Detached Structures.
1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
  2. A detached accessory structure, which does not exceed fifteen (15) feet in height and six hundred (600) square feet in area, may be located within an interior side yard or rear yard; provided, however, that such structure shall not be located closer than five (5) feet to an interior side or rear lot line.
  3. A detached accessory structure which exceeds fifteen (15) feet in height, or six hundred (600) square feet in area, shall maintain the same minimum side and rear setbacks as required for the main dwelling.
  4. A detached structure shall maintain a minimum ten (10) foot separation from the main structure.
  5. For the purpose of this section, swimming pools shall be considered to be a detached accessory structure.
  6. Although not requiring a building permit, accessory structures with less than one hundred twenty (120) square feet of roof area must meet the above minimum setbacks.
- D. Other Structures.
1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six (6) feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half (1/2) of said required side yard. Greater overhangs or projections may be permitted when it is demonstrated that such additional overhangs or projections are needed for solar or alternate energy purposes, subject to the approval of the Town Manager or his/her designee.
  2. Balconies, porches or decks shall not encroach or project into any required setback area.
  3. Amateur (HAM) radio towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions:
    - a. Towers shall not project more than sixty-five (65) feet above grade; establishment of towers above this limit, but less than one hundred (100) feet in



height, may be permitted only through the variance procedure set forth in §2.60 (Variance) of this Code. The height of extension antennas shall be determined in its cranked-down position and shall remain in said position, except during use.

- b. Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.
  - c. It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.
  - d. It shall be the responsibility of the property owner to demonstrate that the proposed tower complies with any and all federal regulations pertaining to airport operations that may be applicable to the subject property.
4. Satellite dishes up to twelve (12) feet in diameter shall be permitted, subject to the following restrictions:
- a. Ground-mounted antennas shall be located outside any required front and side yard setback area.
  - b. All installations must comply with accessory use height requirements.
5. Walls and Fences: Subject to the requirements of Section 8.90 of this Code.

**CHAPTER 4  
RESIDENTIAL ZONE DISTRICTS**

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## CHAPTER 4 RESIDENTIAL ZONE DISTRICTS

### §4.10 Purpose and Intent

- A. The General Plan outlines goals, objectives, and policies regarding the character of residential land uses and development. It is the purpose of this Chapter to provide regulations that implement those goals, objectives and policies to assure availability of a wide range of residential housing opportunities to meet the needs of existing and future Town residents of all socioeconomic groups.
- B. It is also the intent of this Chapter to ensure adequate light, air, and open space for each dwelling, minimize traffic congestion to the extent possible and protect residential properties from objectionable noise, illumination, unsightliness, odors, smoke and other deleterious influences. The provisions of this Chapter are also designed to facilitate the provision of utility services and other public facilities commensurate with the anticipated population, dwelling unit densities, and service requirements.

### §4.20 Residential Zone Districts

- A. Residential Single Family (RS-5) Zone district: This zone is intended for a single family residential development on a minimum lot size of five thousand (5,000) square feet with densities ranging from one (1) to six (6) dwelling units per acre. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of residential neighborhood.
- B. Residential Single Family (RS-10) Zone District: This zone is intended for a low density single family residential development on a minimum lot size of ten thousand (10,000) square feet with a density range from one (1) to six (6) dwelling units per acre. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of residential single family neighborhood.
- C. Medium Family Residential (RM-14) Zone District: This zone is intended for apartments, condominiums, townhouses or other group dwellings with adequate provisions for light, air, open space, and landscaped area at densities that range from seven (7) to fourteen (14) dwelling units per acre. Minimum lot size is one-half (0.5) acre.
- D. Multi-Family Residential (RM-30) Zone District: This zone is intended for the development of high density multi-family dwellings, apartments, condominiums, townhouses or other group dwellings with adequate provisions for light, air, open space and landscaped areas with a density range from fifteen (15) to thirty (30) dwelling units per acre. Minimum lot size is two (2) acres.

### §4.30 Permitted, Conditional, and Prohibited Uses

Table 4.A of this Chapter identifies the following uses shall be permitted where the letter "P" appears, uses subject to the granting of a conditional use permit where the letter "C" appears and prohibited uses where the letter "X" appears.

**TABLE 4.A**  
**Residential Zone Districts**

| <b>Residential Uses</b>   | <b>RS-5</b> | <b>RS-10</b> | <b>RM-14</b> | <b>RM-30</b> |
|---|-------------|--------------|--------------|--------------|
| Condominiums and condo conversions, per §8.50 of this Code        | X           | X            | C            | C            |
| Dormitories   | X           | X            | P            | P            |
| Guest dwellings (2 <sup>nd</sup> unit), per §9.220 of this Code   | P           | P            | P            | P            |
| Multi-family dwellings  | X           | X            | P            | P            |
| Dependent Housing per §9.150 of this Code                         | P           | P            | P            | P            |
| Single Family stick built, modular home, or manufactured home     | P           | P            | X            | X            |
| Bed and breakfast, per §9.130 of this Code                        | P           | P            | P            | P            |
| Home occupation, per §9.180 of this Code                          | P           | P            | P            | P            |
| Group homes and assisted care facilities per §1.160 (Definitions) | P           | P            | P            | P            |

| <b>Residential and Related Uses</b>   | <b>RS-5</b> | <b>RS-10</b> | <b>RM-14</b> | <b>RM-30</b> |
|---|-------------|--------------|--------------|--------------|
| Equestrian facilities and farm-type animals, and exotic animals, per §9.40 and §9.70 of this Code | X           | X            | P            | P            |
| Keeping of poultry or rabbits (commercial), per §9.40   | X           | X            | X            | X            |
| Riding academies or riding clubs  | C           | C            | C            | C            |
| Soil and water conservation projects (excluding watering tanks)                                   | P           | P            | P            | P            |

| <b>Public and Semi-Public Uses</b>  | <b>RS-5</b> | <b>RS-10</b> | <b>RM-14</b> | <b>RM-30</b> |
|---|-------------|--------------|--------------|--------------|
| Churches, convents, monasteries and other religious institutions  | C           | C            | C            | C            |
| Clubs, lodges, Fraternities/Sororities  | X           | X            | P            | P            |
| Day care facilities, per §9.140 of this Code  | P           | P            | P            | P            |
| Educational institutions, public or private   | P           | P            | P            | P            |
| Fire and police stations  | P           | P            | P            | P            |
| Hospitals   | P           | P            | P            | P            |
| Libraries and museums   | P           | P            | P            | P            |
| Pre-school  | P           | P            | P            | P            |
| Public parks  | P           | P            | P            | P            |
| Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, not including public utility offices  | C           | C            | C            | C            |
| Recreational facilities such as rodeos, country clubs, tennis and swim clubs, golf courses, with incidental, limited commercial uses which are commonly associated with and directly related to the primary use | C           | C            | C            | C            |

| <b>Accessory Uses</b>  | <b>RS-5</b> | <b>RS-10</b> | <b>RM-14</b> | <b>RM-30</b> |
|--|-------------|--------------|--------------|--------------|
| Accessory uses and structures located on the same site as a use requiring a conditional use permit | C           | C            | C            | C            |
| Accessory uses and structures located on the same site as a permitted use                          | P           | P            | P            | P            |
| Guest house or accessory living quarters, excluding travel trailers per §9.220 of this Code        | P           | P            | P            | P            |
| Metal storage containers per §9.290 of this Code   | X           | X            | P            | P            |
| Private swimming pool, tennis court  | P           | P            | P            | P            |
| RV storage yard (associated with residential development)  | P           | P            | P            | P            |

| Temporary Uses   | RS-5 | RS-10 | RM-14 | RM-30 |
|--|------|-------|-------|-------|
| Model homes and subdivision sales offices  | P    | P     | P     | P     |
| Temporary uses (subject to provision of §2.80 of this Code and granting of a temporary land use/occupancy permit | C    | C     | C     | C     |

#### § 4.40 Property Development Standards:

- A. General: the following development standards shall apply to all land and buildings, other than accessory buildings, permitted in the respective residential zones; except that an lot shown on an official subdivision map that was duly approved and recorded; or an lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code may be used as a building site, excepting therefrom any lot having an area of less than 4,000 square feet in the RS-5 or RS-10 zone district. For access purposes, each building site shall have a minimum thirty (30) foot wide easement or right-of-way. A turnaround, with a minimum radius of twenty-five (25) feet, shall be provided at the end of each easement over one hundred-fifty (150) feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For a parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to all weather standards.
- B. Special Requirements:
1. In any RS zone district the minimum lot size may be designated to a larger lot size by attaching a number to that zone district on the Official Zoning Map. For example, the RS-10, ten thousand (10,000) square feet minimum may be increased to a minimum size of fifteen thousand (15,000) square feet by adding the number fifteen (15) after the RS designation, to become RS-15.
  2. Use of a travel trailer or recreational vehicle as a temporary or permanent residence is prohibited.
  3. In any residential zone district, a building used for public or semi-public uses shall maintain a minimum setback of fifty (50) feet from any single family use.
  4. In any multiple family residential zone, a mobile home, manufactured, or modular home may not be used as a main or guest dwelling or accessory living quarters, except in remote areas on parcels larger than two (2) acres where one manufactured or modular home may be allowed with the granting of a temporary conditional use permit. When the property is later developed with multiple-family residential housing, the manufactured or modular home shall be removed.
  5. In the RS Zones, on lots of one acre or larger, horses or other domestic animals, excluding household pets, are permitted, subject to the granting of a conditional use permit. Said animals shall be kept a minimum distance of fifty (50) feet from any street or adjacent property line. The location of corrals, fenced enclosures, barns, stables or other enclosures used to confine all such animals shall also conform to this requirement and shall also be subject to Coconino County Health Department regulations.

6. In all residential districts, pools, spas, air conditioners, heating, cooling, sauna, or similar mechanical equipment, as well as lighting or electrical devices, shall be located to minimize impact to the peace, quiet and comfort of neighboring residents and shall be screened, where possible, from surrounding properties and street. All equipment shall be installed and operated in accordance with all applicable Town ordinances, standards and regulations, and shall be subject to approval by the Building Official prior to installation.
  7. Architectural projections, such as porch roofs, awnings, canopies, and roof overhangs, may project over the required front yard setback, but not more than ten (10) percent thereof.
  8. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.
  9. Other uses similar to, and no more objectionable than the uses identified in Table 4, may be permitted subject to the provisions of §1.100 (Determination of Similar Uses) of this Code.
- C. General Requirements: Table 4.B on the following page sets forth the dimensions for Residential Development standards, subject to the following:
1. Minimum lot width for residential zone districts along the arc of the front property line shall be thirty-five (35) feet for cull-de-sac lots and forty (40) feet for knuckle lots.
  2. A one-hour fire wall, approved by the Building Official and Fire Chief, reduces the minimum distance between buildings for attached structures for residential multi-family dwellings.
  3. Minimum apartment size for a studio is four hundred-fifty (450) square feet; minimum size for a one (1) bedroom apartment is six hundred (600) square feet; minimum size for a two (2) bedroom apartment is eight hundred (800) square feet and for each additional bedroom, in excess of two (2) bedrooms, an additional one hundred-twenty (12) square feet is required.
  4. In RS zone districts the garage may be placed no less than twenty (20) feet from the front property line and not less than twenty-five (25) feet from an existing right-of-way.
  5. The following requirements as depicted in Table 4.B (Residential Site Development Standards) are minimum dimensions unless otherwise noted:
- D. Accessory Structures: Subject to the requirements of §8.30 of this Code.
- E. Walls and Fences: Subject to the requirements of §8.90 of this Code.
- F. Condominium and Condominium Conversions: Subject to the requirements of §8.50 of this Code

**TABLE 4.B**  
**Residential Site Development Standards**

|  | RS-5  | RS-10  | RM-14   | RM-30   |
|--|-------|--------|---------|---------|
| 1. Density range (dwelling units per acre)       | 1-6   | 1-6    | 7-14    | 15-30   |
| 2. Minimum lot area<br>(Net area in sq. ft./ac.) |       |        |         |         |
| a. interior                                      | 5,000 | 10,000 | 0.5 ac. | 1.0 ac. |
| b. corner lot                                    | 5,500 | 10,500 | 0.5 ac. | 1.0 Ac  |
| 3. Minimum lot width                             |       |        |         |         |
| a. interior lot                                  | 50'   | 60'    | 100'    | 120'    |
| b. corner lot                                    | 55'   | 65'    | 100'    | 120'    |
| 4. Minimum lot depth                             | 100'  | 100'   | 100'    | 150'    |
| 5. Minimum front yard set-back                   |       |        |         |         |
| a. Lot adjacent to a straight street             | 20'   | 25'    | 25'     | 25'     |
| b. Cul-de-sac lot or knuckle lot                 | 20'   | 20'    | 20'     | 20'     |
| 6. Minimum interior side yard setback            |       |        |         |         |
| a. 1 story                                       | 5'    | 5'     | 10'     | 15'     |
| b. Any portion of a structure exceeding 1 story  | 5'    | 5'     | 10'     | 15'     |
| c. Cul-de-sac lot or knuckle lot                 | 5'    | 5'     | 10'     | 15'     |
| 7. Minimum street side yard setback              |       |        |         |         |
| a. Corner lot                                    | 15'   | 10'    | 15'     | 25'     |
| b. Reverse corner lot                            | 10'   | 15'    | 15'     | 20'     |
| 8. Minimum rear yard setback                     |       |        |         |         |
| a. Lot with alley                                | 40'   | 10'    | 10'     | 25'     |
| b. Lot with no alley                             |       |        |         |         |
| 9. Maximum lot coverage                          | 50%   | 40%    | 50%     | 65%     |
| 10. Maximum height for buildings and structures  | 35'   | 35'    | 35'     | 45'     |
| 11. Minimum distance between buildings           | 10'   | 10'    | 10'     | 10'     |
| 12. Off-street parking                           | 2     | 2      | 2       | 2       |

**Notes:**

- A one hour fire wall, approved by the Building Official and Fire chief, reduces the minimum distance between buildings within a PD zone district and all multiple dwelling units to 0 feet and 5 feet for all other residential zones.
- Minimum apartment size is 450 sq. ft. for a studio, 600 sq. ft. for a one bedroom, 800 sq. ft. for a two bedroom and an additional 120 sq. ft. for each bedroom in excess of two. Minimum detached single family dwelling size is six-hundred fifty (600) square feet.

**§4.50 Performance Standards**

- A. In all residential zones districts, required front and street side yards shall be landscaped, except for necessary walks, drives, and fences. All required landscaping shall be permanently maintained in a neat and orderly condition.
- B. In all residential zones, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building materials, pipes, drums, appliances, household furniture, household refuse, unlicensed travel trailers or utility trailers and the like shall be subject to the provisions of §8.310 of this Code.
- C. Signs: No sign or outdoor advertising structure shall be permitted in a residential zone, except as provided in Chapter 11 of this Code.

**CHAPTER 5  
COMMERCIAL ZONE DISTRICTS**

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## CHAPTER 5 COMMERCIAL ZONE DISTRICTS

**§5.10 Purpose and Intent:** The purpose and intent of the commercial zone districts is included in the zoning ordinance to achieve the following purposes:

- A. To provide appropriately located areas for industrial uses and to protect these areas from intrusion by residential or other inharmonious uses;
- B. To encourage office and commercial uses to congregate for the convenience of the public and for a mutually beneficial relationship to each other;
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas;
- D. To minimize traffic congestion and to avoid the overloading of utilities;

**§5.20 Commercial Zone Districts**

- A. Commercial Neighborhood (CN) Zone. This zone is intended for neighborhood shopping centers which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment at locations consistent with the General Plan.
- B. Commercial General (GC) Zone. This zone is intended for the location of general retail and wholesale commercial activities.
- C. Commercial Heavy (CH) Zone. This zone is intended to provide appropriately located areas for establishment catering primarily to highway travelers, visitors to the town or such businesses or uses where direct access to major arterial highways is essential or desirable for their operation.

**§5.30 Permitted, Conditional, and Prohibited Uses**

- A. The following uses shall be permitted where the letter "P" appears, shall be permitted uses, subject to a conditional use permit where the letter "C" appears, and shall be prohibited where the letter "X" appears in the column beneath each zone designation.

**Table 5A**  
**Commercial Zone Districts**

| Office and Related Uses   | CN | CG | CH |
|---|----|----|----|
| Administrative, professional executive offices  | P  | P  | P  |
| Financial institutions  | P  | P  | P  |
| Medical, dental and related health services for humans including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted | P  | P  | P  |
| Public utility service offices  | P  | P  | P  |

| <b>General Commercial Uses</b>  | <b>CN</b> | <b>CG</b> | <b>CH</b> |
|---|-----------|-----------|-----------|
| Adult Oriented Businesses subject to §9.30 thru §9.13.d   | X         | X         | P         |
| Amusement arcades   | P         | P         | P         |
| Apartments, when located above the first floor of the building  | P         | P         | P         |
| Appliance and hardware stores   | P         | P         | P         |
| Auction houses/stores, indoor sales/display   | X         | P         | P         |
| Auction houses/stores, outdoor sales/display  | X         | C         | C         |
| Auto lubrication and oil change operation   | P         | P         | P         |
| Automobile sales and services, including rental agencies  | X         | P         | P         |
| Automotive repair garage  | X         | P         | P         |
| Automotive service station  | P         | P         | P         |
| Bakeries  | P         | P         | P         |
| Boat and camper sales and services  | X         | P         | P         |
| Bowling alleys and billiard halls   | X         | P         | P         |
| Campgrounds   | X         | C         | C         |
| Car washes  | X         | P         | P         |
| Ceramic studio with outdoor kiln  | X         | X         | C         |
| Cocktail lounges and bars   | P         | P         | P         |
| Contractors' yards  | X         | C         | C         |
| Convenience market  | P         | P         | P         |
| Convenience market with gasoline pumps  | C         | C         | C         |
| Drive-in restaurants  | X         | P         | P         |
| Drive-in theaters   | X         | X         | C         |
| Dry cleaners  | P         | P         | P         |
| Farm implement and machine sales, rental and repairs  | X         | P         | P         |
| Feed stores   | X         | P         | P         |
| General retail business establishments, except for large retail establishments, engaged in selling goods or services to the public; provided that, such uses are conducted entirely within an enclosed building | P         | P         | P         |
| Hotels and motels   | X         | P         | P         |
| Kennel, indoor runs/pens  | X         | P         | P         |
| Kennel, outdoor runs/pens   | X         | C         | C         |
| Large retail establishments, establishments over 70,000 sq. ft.   | X         | P         | P         |
| Laundry pick-up and delivery agencies   | P         | P         | P         |
| Medical marijuana cultivation and infusion facilities, subject to the provisions of §9.310 of this Code   | X         | X         | C         |
| Medical marijuana dispensaries, subject to provisions of §9.310   | P         | P         | P         |
| Mortuaries  | X         | P         | P         |
| Motorcycle, ATV, sales, service and rental  | X         | P         | P         |
| Nurseries and garden supply stores  | P         | P         | P         |
| Public storage facilities (mini-storages)   | X         | P         | P         |
| Recreational vehicle and travel trailer parks   | X         | C         | C         |
| Recreational vehicle sales and service  | X         | P         | P         |
| Restaurants conducted within a building including sale of alcoholic beverages   | P         | P         | P         |
| Restaurants with outdoor dining   | P         | P         | P         |
| Self-service laundry  | P         | P         | P         |
| Skating rinks   | X         | C         | P         |

| <b>General Commercial Uses (Cont'd)</b>                     | <b>CN</b> | <b>CG</b> | <b>CH</b> |
|---|-----------|-----------|-----------|
| Solid waste hauler's yard                                   | X         | X         | C         |
| Stone and monument yards                                    | X         | P         | P         |
| Theater   | P         | P         | P         |
| Tire sales and service                                      | X         | P         | P         |
| Tour operator with associated outdoor storage or activity   | X         | C         | C         |
| Truck and trailer rental, sales and service                 | X         | P         | P         |
| Vehicular storage yards (not including auto wrecking yards) | X         | C         | P         |
| Veterinarian office and small animal hospitals              | X         | P         | P         |
| Warehousing   | X         | P         | P         |
| Wireless telecommunications facilities                      | P         | P         | P         |

| <b>Public and Semi-Public Uses</b>  | <b>CN</b> | <b>CG</b> | <b>CH</b> |
|---|-----------|-----------|-----------|
| Churches  | P         | P         | P         |
| Clubs and lodges including YMCA, YWCA and similar youth group uses  | P         | P         | P         |
| Commercial trade or vocational schools  | C         | P         | P         |
| Convalescent homes and hospital   | X         | P         | P         |
| Day care centers and preschools   | P         | P         | P         |
| Educational institutions, public or private   | P         | P         | P         |
| Libraries and museums, public or private  | P         | P         | P         |
| Parks and recreational facilities, public or private, including tennis, racquetball and handball clubs and facilities | C         | P         | P         |
| Post office branch  | P         | P         | P         |
| Public/private utility installations  | P         | P         | P         |

| <b>Accessory Uses</b>   | <b>CN</b>               | <b>CG</b> | <b>CH</b> |
|---|-------------------------|-----------|-----------|
| A single-family residence established as an integral part of the commercial building, for exclusive use by the owner/operator of the business           | P                       | P         | P         |
| A single-family residence which is detached from any commercial building on the site and is for the exclusive use by the owner/operator of the business | C                       | C         | C         |
| Accessory retail propane sales, tanks 2,000 gallons or less, subject to the issuance of a building permit   | X                       | P         | P         |
| Accessory uses and structures located on the same site as a conditional use   | C                       | C         | C         |
| Accessory uses and structures located on the same site as a permitted use   | P                       | P         | P         |
| Metal storage containers  | See §9.290 of this Code |           |           |

| <b>Temporary Uses</b>                              | <b>CN</b> | <b>CG</b> | <b>CH</b> |
|--|-----------|-----------|-----------|
| Temporary uses as prescribed in §2.80 of this Code | P         | P         | P         |

- B. Other uses. Other commercial, office or service uses may be permitted by the Planning and Zoning Commission if said use is determined to be consistent with the provisions of § 1.100 (Determination of Similar Use) and is deemed to be no more detrimental than existing permitted or conditionally permitted uses in any commercial zone district.

**§5.40 Property Development Standards:**

A. General:

1. Property development standards shall apply to all land and buildings permitted in their respective commercial zones districts; except that, any lot shown on an official subdivision map that was duly recorded, or any lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code, may be used as a building site.
2. General Requirements: The following requirements are minimums unless otherwise noted:

**Table 5B**  
**Commercial Site Development Standards**

|   | CN                       | CG            | CH            |
|---|--------------------------|---------------|---------------|
| Building site, square feet or acres   | 10,000 sq.ft.            | 10,000 sq.ft. | 10,000 sq.ft. |
| Front yard, in feet   | 20                       | 0             | 0             |
| Lot coverage, maximum   | 45%                      | 65%           | 80%           |
| Lot depth, in feet  | 100                      | 100           | 100           |
| Lot width, in feet  | 50                       | 50            | 50            |
| Off-street parking  | See Chapter 10 (Parking) |               |               |
| Rear yard, in feet  | 10                       | 0             | 0             |
| Side yard – interior and rear yard, in feet, adjacent to residential zone districts | 10                       | 10            | 10            |
| Side yard – interior, in feet   | 10                       | 0             | 0             |
| Side yard – street side, in feet  | 10                       | 10            | 0             |
| Structure height, maximum, in feet  | 35                       | 35            | 45            |

- B. All setbacks shall be measured from property lines. In situations where an access easement is located along a property line, the setback shall be measured from the interior edge of any access easement lien. Where an access easement bisects any parcel of land, said easement shall be considered a street for setback purposes and street side setbacks shall apply.

**§5.50 Performance Standards**

- A. Trailers, park models, modular or manufactured homes shall be permitted for temporary office use only during construction of a permanent building for a period not to exceed twelve (12) months when approved as set forth in §2.80 (Temporary Land Use Permit) of this Code.
- B. In all Commercial Zones, required front and street side yards shall be landscaped to a depth of not less than six (6) feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

- C. All mechanical equipment, including heating and air conditioning units, shall be screened from surrounding properties by use of a wall or fence, or shall be enclosed within a building. Facilities for the operation of solar or alternate energy systems may be exempted from this requirement, subject to the approval of the Town Manager or his/her designee.
- D. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each commercial use. Said receptacles shall be set back a minimum of twenty (20) feet from any residential zone boundary and shall be maintained in a neat and sanitary condition subject to approval of the Town Manager or his/her designee.
- E. The outdoor storage of any items, including, but not limited to, items for sale, unlicensed and/or inoperable vehicles, travel trailers, boats, recreational vehicles or secondhand materials is prohibited, unless a conditional use permit is approved by the Planning and Zoning Commission for said outdoor storage.
- F. Outdoor music in an outdoor dining area shall be maintained so as not to disturb the peace, quiet and comfort of neighboring businesses or residents. All outdoor live or recorded music shall cease at 10:00 p.m.
- G. Signs or outdoor advertising structures shall be permitted in any commercial zone districts subject to the provisions of Chapter 11 (Signs) of this Code.
- H. Accessory Structures:
  - 1. In any commercial zone district, accessory structures shall not be located in front of the main building.
  - 2. In any commercial zone district, accessory structures shall meet all of the setback requirements for main buildings.
  - 3. In any commercial zone district, detached canopies shall be considered accessory structures and shall meet all of the setback requirements for main buildings. No portion of the canopy shall extend into the setback areas. Canopies may be located in front of the main building outside the required front and street side landscape areas.
  - 4. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted subject to the provisions of §9.290 of this Code.
  - 5. Swimming pools shall be in compliance with §9.270 of this Code.
  - 7. Walls and fences shall be consistent with the requirements of §8.90 of this Code.

**CHAPTER 6  
INDUSTRIAL ZONE DISTRICTS**

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**CHAPTER 6  
INDUSTRIAL ZONE DISTRICTS**

**§6.10 Purpose and Intent:** The purpose and intent of the industrial zone districts is included in the zoning ordinance to achieve the following purposes:

- A. To provide appropriately located areas for industrial uses and protect these areas from intrusion by dwellings and other inharmonious uses;
- B. To protect residential, commercial and nuisance-free, non-hazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectionable influences and from fire, explosion, radiation and other hazards incidental to certain industrial uses;
- C. To provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial plants on nearby Residential or Commercial Zones; and
- D. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings of excessive size in relation to the amount of land around them.

**§6.20 Industrial Zone Districts:**

- A. Industrial Park (IP )Zone. This zone is intended for modern industrial and research developments and administrative facilities that can meet high performance and development standards.
- B. Light Industrial (LI) Zone. This zone is intended for light industrial and limited service commercial uses that can meet high performance standards, but that frequently do not meet site development standards appropriate to planned research and development of industrial parks.

**§6.30 Permitted, Conditional and Prohibited Uses:**

- A. The following uses shall be permitted where the letter "P" appears, shall be permitted uses subject to a conditional use permit where the letter "C" appears, and prohibited where the letter "X" appears in the column beneath each zone designation.

**Table 6.A**  
**Industrial Zone Districts**

| <b>Industrial Uses</b>   | <b>IP</b> | <b>LI</b> |
|--|-----------|-----------|
| Adult-Oriented Businesses subject to provisions of §9.3 thru §9.13.d   | X         | X         |
| Bottling plants  | P         | P         |
| Electronics: electrical and related parts; electrical appliances, motors and devices; radio; television and phonograph   | P         | P         |
| Food and dairy products processing and manufacturing including frozen foods  | X         | C         |
| Furniture manufacturing and upholstering   | P         | P         |
| Instruments: scientific and precision; medical and dental; timing and measuring  | P         | P         |
| Laboratories: dental, medical electrical, optical and mechanical   | P         | P         |
| Machine shop   | P         | P         |
| Manufacture of novelty items, not including fireworks or other explosive-type items  | P         | P         |
| Manufacturing and maintenance of electrical and other signs  | P         | P         |
| Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials: canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semi-precious stones or metals, non-ferrous metals, plaster, plastics, shells, textiles, tobacco, wood and yards | P         | P         |
| Office and related machinery: audio machinery; computers, electrical and manual; visual and reproductive machinery   | P         | P         |
| Oil pumping, distributing or storage facility  | X         | C         |
| Packing houses   | X         | P         |
| Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)   | P         | P         |
| Rubber and metal stamp manufacturing   | P         | P         |
| Rubber products manufacturing  | X         | C         |

| <b>Wholesale and Warehousing</b>        | <b>IP</b> | <b>LI</b> |
|---|-----------|-----------|
| Mini- or self-serve warehouse uses      | P         | P         |
| Warehousing operations                  | P         | P         |
| Wholesale uses and distribution centers | C         | P         |

| <b>Services</b>  | <b>IP</b> | <b>LI</b> |
|--|-----------|-----------|
| Airports and heliports, subject to FAA approval  | P         | P         |
| Animal shelter or hospital   | P         | P         |
| Automobile, truck and tractor repair and painting  | X         | P         |
| Automotive sales and services, including rental agencies   | P         | P         |
| Blueprinting and photocopying  | P         | P         |
| Boat, camper and recreational vehicle sales and service  | P         | P         |
| Business, professional and research offices  | P         | P         |
| Cleaning and dyeing plants   | X         | C         |
| Commercial sales establishments dealing principally with industrial customers such as heavy construction and earth-moving equipment, machines, presses, forges, material sales and related uses. | X         | P         |
| Contractor's yards   | X         | C         |
| Equipment rental yards   | P         | P         |



| <b>Services</b>   | <b>IP</b> | <b>LI</b> |
|---|-----------|-----------|
| Food locker facilities  | P         | P         |
| Fuel sales  | X         | C         |
| Kennels and stables   | X         | C         |
| Lumber and building material yards                            | C         | P         |
| Newspaper publishing  | P         | P         |
| Plumbing shops  | P         | P         |
| Printing and lithography                                      | P         | P         |
| Restaurants   | P         | P         |
| Rock, sand and gravel yards                                   | X         | C         |
| Service stations  | P         | P         |
| Solid waste haulers' yards                                    | X         | C         |
| Tire retreading and recapping                                 | X         | C         |
| Trucking yards and truck stops                                | X         | P         |
| Wireless telecommunications facilities per §9.90 of this Code | P         | P         |

| <b>Public and Semi-Public Uses</b>  | <b>IP</b> | <b>LI</b> |
|---|-----------|-----------|
| Post offices and postal terminals   | P         | P         |
| Public buildings and grounds  | P         | P         |
| Public utility pumping stations, electrical generating stations and sub-stations, equipment buildings and installations | C         | C         |
| Public utility service yards  | X         | P         |
| Sanitary landfill operations  | X         | X         |

| <b>Agricultural and Related Uses</b>  | <b>IP</b> | <b>LI</b> |
|---|-----------|-----------|
| Agricultural and horticultural uses including the sale of products raised on the premises                         | P         | P         |
| Domestic animal ranch or farming operations   | X         | C         |
| Lumber mills and processing plants  | X         | C         |
| Medical marijuana off-site cultivation and infusion facilities, subject to the provisions of §9.310 of this Code. | X         | P         |

| <b>Accessory Uses</b>   | <b>IP</b> | <b>LI</b> |
|---|-----------|-----------|
| Accessory uses and structures located on the same site as a permitted or conditional use                                    | P         | P         |
| Incidental services for employees on a site occupied by a permitted or conditional use                                      | P         | P         |
| Watchperson's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use | P         | P         |
| Metal storage containers as per §9.290 of this Code   |           |           |

| <b>Temporary Uses</b>                              | <b>IP</b> | <b>LI</b> |
|--|-----------|-----------|
| Temporary uses as prescribed in §2.80 of this Code | C         | C         |

- B. **Other Uses.** Other uses as may be determined by resolution of the Planning and Zoning Commission, subject to the provisions of §2.80 of this Code, to be consistent with the purposes

2. The proposed temporary dependent housing unit is clearly subordinate in size, location and appearance to the principal unit.
3. Issuance of the temporary use permit shall not be significantly detrimental to the public health, safety or welfare or injurious to property or improvements in the general vicinity in which the land use is located.
4. The temporary dependent housing unit shall be erected, constructed or installed in a manner that allows for its feasible removal.
5. The appearance of the temporary dependent housing unit and the method of siting are compatible with the surrounding environment.

D. Conditions

1. Floor Area: The floor area of the dependent unit shall not exceed fifty (50) percent of the floor area of the existing principal dwelling unit; however, in no case may the temporary dependent unit exceed eight hundred and fifty (850) square feet in floor area.
2. Design Standards: The appearance of any temporary dependent housing unit erected, constructed or set down in accordance with the provisions of this section shall be similar to and compatible with the appearance of the principal residence on the property.
3. Parking: Parking for the temporary dependent housing unit shall be in accordance with the requirements of Chapter 10 (Parking Regulations) of this Code, unless the resident(s) of the temporary dependent housing unit are incapable of operating a motor vehicle.
4. Location and Occupancy: The temporary dependent housing unit shall not extend beyond the principal residence that faces a street right-of-way. The existing principal residence on the property shall be occupied by the owner of the property.
5. Lot Area: A temporary dependent housing unit shall not be permitted on any parcel not meeting the minimum area requirements of the zone district in which it is located.
6. Development Standards: The dependent unit shall comply with the development standards for the zone district in which it is to be located.
7. Removal of Unit: As a condition of permit approval, the permittee shall enter into an agreement with the Town, placing responsibility upon the permittee to comply with the provisions of this section, describing the method of removal of the temporary dependent housing unit when the permit is no longer valid, and acknowledging that the permittee shall bear the cost of removal of such unit.

**§9.160     Group Homes for Handicapped and Addicted Recovery Persons**

- A. Purpose: The purpose of these regulations is to permit handicapped persons and/or addiction recovery persons, as defined in Section 1.160 of this Code, to reside in single-family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

- B. Zoning Confirmation: Prior to registration, a request for zoning confirmation may be submitted to the Town Manager to confirm that the proposed location of the group home is permitted under this section.
- C. Standards: Group homes for the handicapped shall be located, developed, and operated in compliance with the following standards.
1. Separation: The minimum separation between group homes shall be one-thousand two hundred (1,200) feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way at least three hundred (300) feet in width, or by a highway or major wash.
  2. Occupancy: The number of residents, excluding staff, shall not exceed ten (10).
  3. Exterior Appearance: There shall be no sign or other exterior indication of a group home visible from the street.
  4. Compliance with all applicable building and fire safety regulations: If a group home has one or more non-ambulatory residents, Building Code and Fire Code requirements, in addition to those applicable to group home with no non-ambulatory residents, shall apply.
  5. Licensing: Group homes shall comply with applicable licensing requirements.
  6. Parking: Any parking for the group home shall be on-site.
  7. Tenancy: No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- D. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. §36-582 or an assisted living home pursuant to A.R.S. Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt an conflicting condition listed herein.
- E. Request for Accommodation:
1. If a group home owner believes any requirement of the this Code prevents the establishment of a group home in an economically viable manner, the owner shall submit a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow an individualized determination of the group home's needs to address safety and welfare concerns and to assure compliance with this Section. Town staff shall review the written request and determine the following:
    - a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
    - b. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

2. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

**§9.170****Drive-In, Drive-Through, Fast Food, and Take-Out Restaurants**

- A. **Purpose and Intent:** This Section is intended to ensure that drive-in, drive-through, fast food, and take-out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, and litter.
- B. **Applicability**
  1. The provisions of this Section shall apply to all new drive-in, drive-through, fast food, and take-out restaurants and to the expansion of twenty (20) percent or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.
  2. Floor area added for the purpose of compliance with State or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this section.
- C. **Development Standards**
  1. **Hours of Operation:** When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to 6:00 a.m., nor remain open after 12:00 midnight, unless otherwise approved by the Town Council.
  2. **Driveways**
    - a. Drive-in and drive-through restaurants shall have driveways that provide for both ingress and egress. In all instances these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
    - b. Each drive-through lane shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
  3. **Parking:** A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the Zoning Administrator.
  4. **Refuse Storage Area:** On-site outdoor trash receptacles shall be provided at a rate of one (1) trash receptacle for every ten (10) required parking spaces. One (1) outdoor trash receptacle shall be provided on-site adjacent to each driveway exit or as otherwise approved by the Zoning Administrator.

**§9.180****Fireworks Stand**

- A. **Location:** A fireworks stand may be permitted in commercial and industrial zone districts and on property developed in accordance with the provisions of Chapters 5 and 6 of this Code, except when the provisions of this §9.170 are more restrictive than the base zone district.

- B. **Setback Requirements:** No fireworks stand may be established on any property, as provided in this section, unless the location of the fireworks stand complies with the following setback requirements:
1. Three (3) feet from any property line.
  2. Thirty (30) feet from any other building or structure.
  3. Ten (10) feet from any driveway, alley, or roadway.
  4. Twenty-five (25) feet from a watchman's accommodations or quarters.
  5. Twenty-five (25) feet from a generator.
  6. One hundred (100) feet from storage of flammable or combustible liquids, fuel dispensers, or repair garage facilities.
  7. Six hundred (600) feet from any other fireworks stand.
- C. All fireworks stands shall comply with the requirements of Building and Fire Codes, as well as all other applicable codes, ordinances and regulations.

**§9.190 Home Occupations**

- A. **Purpose and Intent:** Home occupations are intended to provide for the commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. Home Occupations, as defined in Section 1.190 (Definitions) of this Code, shall be permitted in any residential district, subject to approval by the Town Manager in compliance with the conditions contained in this section.
- B. **Conditions:** Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the Town Manager. The Town Manager shall find that the proposed use meets the following conditions prior to approval of any such Home Occupation Permit.
1. All employees shall be members of the resident family and shall reside on the premises.
  2. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, noises, vibrations, dust, electrical interference, fire hazard, glare, or any other hazard or nuisance to any greater extent than normally found in a residential area..
  3. Up to 25 percent of the living space, or 250 square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
  4. The home occupation shall be conducted entirely within the main residential dwelling. An on-site garage shall be considered as part of the main building.
  5. No motor or mechanical equipment shall be permitted other than that which is normally incidental to the residential use.

6. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the zone district in which it is located.
7. There shall be no outdoor storage of materials, merchandise, or equipment, nor shall any such material, merchandise, or equipment be visible from outside the home.
8. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
9. The home occupation shall not displace any required off-street parking spaces on the property.
10. The home occupation shall be subject to review each year by the Town Manager. Violations of any criteria listed above shall result in cancellation of the home occupation permit.
11. A decision of the Town Manager regarding approval, disapproval, or additional conditions imposed on the home occupation permit may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the Town Manager's decision.

C. Procedures

1. The Town Manager, pursuant to §2.180 (Revocation of Permits) of this Code, may void any home occupation permit for noncompliance of conditions set forth in the approving permit. Notice shall be given to the applicant prior to any such action taking place.
2. A decision of the Town Manager regarding the approval, disapproval or conditions imposed on the permit may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the decision.

**§ 9.200 Massage, Therapeutic**

**Purpose and Intent:** Therapeutic massage, meant to aid in the healing of individuals, as referred to in this Section, includes the following:

- A. A medical establishment including professional offices where massage is administered by a physician, surgeon, chiropractor, osteopath, physical therapist, nurse or any other person licensed to practice a healing art under the provisions of the Arizona Business and Professions Code when engaging in such practice within the scope of his or her license, or by an individual acting under the direction and control of any of the afore listed licensed professionals on the premises of the medical establishment.
- B. Hospital, medical clinic, nursing home, sanatorium, or other major medical or mental facility duly licensed under the laws of the State of Arizona.
- C. Barbershop or beauty salon where massage is limited to the head, scalp, neck, or back and is administered by barbers or cosmetologists licensed under the laws of the State of Arizona.
- D. Any school or institution of higher education including a community or junior college, college or university whose course of study is approved by the State Department of Education or

Superintendent of Public Instruction where massage is administered or taught by authorized school employees in conjunction with athletic training programs, training in the healing arts or other school courses.

- E. Any hotel, athletic club, health club, country club, gymnasium, reducing salon, beauty salon, or similar establishments, where massage is offered as an incidental or accessory service to its primary program of sport, exercise, athletic training, weight reduction or beauty care.

**§ 9.210 Outdoor Recreational Facilities**

- A. **Intent and Purpose:** This Section is intended to ensure that outdoor recreational facilities, open to the public within or adjacent to a residential district, do not adversely impact residents and are utilized in a manner that protects the integrity of the residential district, while allowing for the enjoyment of a healthful, recreational activity.
- B. **Applicability:** The provisions of this Section shall apply to all recreational facilities open to the public. This includes but is not limited to: golf courses, driving ranges, swimming pools, tennis courts, ball fields, and other similar facilities.
- C. **Development Standards:** Outdoor recreational facilities shall conform to applicable development standards for the district in which they are located except as provided below.
1. When necessary to contain play within the recreational facilities, chain link fences up to twelve (12) feet in height, measured from the adjacent grade, may be permitted, provided that such fences are not located within the front or side yard setback areas.
  2. Fences greater than twelve (12) feet in height, as measured from adjacent grade, may be permitted provided it is not located in the front or side yard setback when a finding is made that such a fence height is necessary to protect adjacent streets, homes, or property from possible damage resulting from use of the recreational facility. This provision only applies in the case of golf courses, driving ranges, and baseball or softball playing fields.
  3. Landscaping and screening shall be provided on all boundaries of the parcel that abut public rights-of-way, a residential zone district, or residential land use.
  4. Lighting may be permitted provided that such lighting shall not be used after 10:00 p.m. Sunday through Thursday, or after 11:00 p.m. on Friday and Saturday.

**§9.220 Recycling Facilities**

- A. **Purpose and Intent:** This Section is intended to provide the community with regulations controlling siting of recycling, redemption and processing facilities, and to ensure that such recycling facilities do not create adverse impacts on the surrounding community.
- B. **Applicability:** The provisions of this Section shall apply to the following use types, as defined in this Section and §1.1.90 (Definitions) of this Code.
1. **Reverse Vending Machines, Small Recycling Facilities, and Recycling and Reprocessing Facilities:** Such use types shall comply with the provisions of this section in addition to applicable standards and permit procedures of the zone district in which they are located.

C. Development Standards, Reverse Vending Machines: Reverse vending machines shall comply with the following standards:

1. Shall be established in conjunction with a commercial use or public facility which is in compliance with this code and the building and fire codes of the Town;
2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
3. Shall not occupy required parking spaces;
4. Shall occupy no more than fifty (50) square feet of floor area per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
5. Shall be constructed and maintained with durable, waterproof, and rustproof material;
6. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call for repair and ownership;
7. Shall have a maximum sign area of four (4) square feet per machine, exclusive of operating instructions;
8. Shall be maintained in a clean, litter-free condition on a daily basis;
9. Shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn; and
10. All machines shall be clean and not dented, bent or otherwise disfigured.

C. Small Collection Facilities: Small collection facilities shall comply with the following standards:

1. Shall be established in conjunction with an existing commercial use or public facility which is in compliance with this Code, Building Codes and Fire Codes of the Town;
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary land use unless all of the following conditions exist:
  - a. The facility is located in a convenience zone or a potential convenience zone;
  - b. A parking study shows that existing parking capacity is not fully utilized during the time the recycling facility will be on the site;
  - c. The approval will be reconsidered at the end of eighteen (18) months;
  - d. A reduction in available parking spaces in an established parking facility may then be allowed as follows:



| <u>Number of Parking Spaces</u> | <u>Maximum Reduction</u> |
|---------------------------------|--------------------------|
| 0 - 25                          | 0                        |
| 26 - 35                         | 1                        |
| 36 - 49                         | 2                        |
| 50 - 99                         | 3                        |
| 100+                            | 4                        |

- e. Shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation;
- f. Shall accept only glass, metals, plastic containers, papers and reusable items;
- g. Except for Reverse Vending Machines shall use no power-driven equipment.
- h. Shall use containers that are:
  - 1. Constructed and maintained with durable waterproof and rustproof material;
  - 2. Covered when site is not attended and secured from unauthorized entry or removal of material; and
  - 3. Of sufficient capacity to accommodate materials collected in accord with a collection schedule.
- i. Shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- j. Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which a truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- k. Shall not exceed noise levels of fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy (70) dBA;
- l. Shall operate only during the hours between 9:00 a.m. and 7:00 p.m. when located within one hundred (100) feet of a property zoned or occupied for residential use;
- m. Shall locate containers for the twenty-four (24) hour donation of materials at least one hundred (100) feet from any property zoned or occupied by residential use, unless there is a recognized service corridor and acoustical yielding between the containers and the residential use. All containers shall be painted and shall not be dented, bent or otherwise disfigured; and
- n. Shall utilize clearly marked containers which identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, shall display a notice stating that no material shall be left outside the recycling enclosure or container.

3. Signs may be provided as follows:

- a. Small collection facilities may have a maximum of four (4) identification signs each a maximum of twenty (20) percent per side of the facility or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the pavement to the top of the container;
- b. Directional signs, bearing no advertising message, may be installed to facilitate traffic circulation and/or if the facility is not visible from a public right-of-way; and
- c. Authorization by the Zoning Administrator to increase the number and size of signs upon finding that such an increase is compatible with adjacent businesses.
- d. The facility shall not reduce the landscaping areas which may be required by this Title for any concurrent use or under any permit approval.
- e. Parking
  1. No additional parking spaces will be required for customers of a Small Collection Facility located in the established parking lot of a commercial use.
  2. Mobile Recycling Units shall have an area clearly marked in the parking lot of the commercial use to prohibit other vehicular parking during hours when the Mobile Unit is scheduled to be present or operating.

**§9.230 Second Dwelling Units**

- A. Purpose and Intent: This Section is intended to ensure that second dwelling units located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.
- B. Applicability: The provisions of this Section shall apply to all second dwelling units in addition to the provisions of the zone district in which it is located.
- C. Definitions: As used in this Chapter, the following terms mean:
  1. Living Area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.
  2. Second Unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
    - a. An efficiency unit, as defined in §17958.1 of the Health and Safety Code.

- b. A manufactured home, as defined in §18007 of the Health and Safety Code.
- c. Development Standards: The following standards shall apply to all second units:
  - 1. The property shall be in a residentially zoned district;
  - 2. The lot must contain a primary dwelling unit either existing or proposed to be constructed concurrent with the second unit;
  - 3. The maximum allowable lot coverage shall not be exceeded;
  - 4. The maximum building height for a second dwelling unit shall be one (1) story, not to exceed eighteen (18) feet. No second unit shall be higher than the main dwelling on the same parcel;
  - 5. The second unit shall be subject to the minimum required front, side, and rear yard setbacks of the zone district in which the property is located;
  - 6. The second unit may be attached or detached to the primary residence, but shall be architecturally compatible with the main dwelling and the surrounding neighborhood;
  - 7. A second unit shall have adequate water supply and sewer service;
  - 8. The entrance to an attached second unit shall be separate from the entrance to the primary unit; and
  - 9. Second units shall be subject to all development fees including, but not limited to, public facilities impact fees, park fees and assessments districts, where so permitted.
  - 10. The floor area of the second unit shall not exceed fifty (50) percent of the floor area of the primary single family residence on the property.
  - 11. One off-street parking space shall be provided for the second unit in compliance with the provisions of Chapter 10 (Parking Regulations) of this Code.

**§9.240 Self Storage Warehouses**

- A. Purpose and Intent: This Section is intended to ensure that self-storage warehouse operations, commonly known as "mini-warehouses," do not result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, or visual blight. The special conditions contained in this section are intended to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially in regard to the differing parking requirements for these uses.
- B. Applicability: The provisions of this Section shall apply to all new self-storage warehouse uses and to all existing facilities at such time the storage area of an existing business is substantially expanded or modified, as defined in this Code.

**C. Development Standards****1. Access and Parking**

- a. Driveways adjacent to parking lanes shall be twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.
- b. Access and circulation shall be designed to eliminate the need to back out of any drive or access.
- c. One (1) parking space shall be provided for each two hundred (200) square feet of floor area within the office and/or caretakers quarters provided, however, a minimum of four (4) parking spaces shall be provided.
- d. The parking standards specified in this section for this use shall be applicable to this use only.

2. **Outside Storage:** No storage of materials outside an enclosed building may be permitted unless expressly designed for such purpose and approved as a part of the conditional use permit for the site.

**§9.250 Service Stations**

- A. **Purpose and Intent:** This Section is intended to ensure that service stations do not result in adverse impacts on adjacent land uses, especially residential uses. The traffic, glare, and uses associated with service stations, particularly those which are open twenty-four (24) hours a day, may be incompatible with adjacent land uses. To protect the health, safety, and general welfare of the Town and its residents, these special regulations shall be imposed on the development and operations of service stations.

- B. **Applicability:** A service station shall comply with the provisions of this Section in addition to the property development standards and the permit procedures for the zone district in which it is to be located. The provisions of this Section and this Code, as applicable, shall apply to all new service stations and to all existing service stations at such time as those existing stations may come before the Town of an expansion of twenty-five (25) percent or greater in floor area, a remodeling, or any other development that would cost more than fifty (50) percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

**C. Minimum Development Standards**

1. **Minimum Street Frontage:** Each parcel shall have a minimum street frontage of one hundred (100) feet on at least one abutting street.
2. **Setbacks:** No building or structure, except canopies as provided below, shall be located within thirty (30) feet of any right-of-way line, or within twenty (20) feet of any interior parcel line.
3. **Gasoline Pumps:** Gasoline pumps shall be located no closer than twenty (20) feet from any property line.
4. **Canopies:** Canopies shall be located no closer than ten (10) feet from any property line.

5. **Walls:** Service stations shall be separated from adjacent residential property by a decorative masonry wall of not less than six (6) feet in height, as approved by the Zoning Administrator. Materials, textures, colors and design of all walls shall be compatible with on-site development and adjacent properties. No wall higher than thirty-six (36) inches shall be constructed within five (5) feet of a driveway entrance or vehicle access way which opens onto a street or alley. The wall shall be constructed to ensure a clear cross view of pedestrians by motorists entering or exiting the parcel.
6. **Paving:** The site shall be entirely paved, except for buildings and landscaping.
7. **Landscaping:** The service station site shall be landscaped pursuant to the following standards:
  - a. A minimum of fifteen (15) percent of the site shall be landscaped, which may include a planting strip at least five (5) feet wide along interior parcel lines, non-driveway street frontages, and areas adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berming shall be provided and maintained in the planters at a height of not less than three (3) feet above the average adjacent grade.
  - b. A minimum of one hundred fifty (150) square foot landscaped area shall be provided at the intersection of two (2) property lines at a street corner.
8. **Access and Circulation:** No more than one (1) driveway with a maximum width of thirty-five (35) feet shall be permitted on any one (1) street frontage and shall be located as follows:
  - a. Driveways shall be located no closer than fifty (50) feet from a street intersection and fifteen (15) feet from a residential property line or alley and shall not interfere with the movement and safety of vehicular and pedestrian traffic. Locations of all driveways shall be subject of the approval of the Town Engineer.
  - b. All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty (50) feet of a residentially zoned property, and shall be oriented, when practical, away from public rights-of-way.
9. **Air and Water:** Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.
10. **Restrooms:** Each service station shall provide a men's and women's public restroom that is accessible to the general public, including physically disabled persons, during all hours the service station is open to the public. Restrooms shall be identified by placing entrances or signage in a location that is clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.
11. **Telephones:** At least one telephone available to the public shall be provided at each service station in a location that is easily accessible.

12. Vending Machines: Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.
13. Location of Activities: All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:
  - a. The dispensing of petroleum products, water, and air from pump islands.
  - b. Replacement service activities such as wiper blades, fuses, radiator caps, and lamps.
  - c. The sale of items from vending machines placed next to the main building in a designated area not to exceed thirty-two (32) square feet.
  - d. The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed twelve (12) square feet and that the products shall be enclosed in a specially designed case.
  - e. Motor vehicle products displayed along and within three (3) feet of the front of the building. Such display areas shall be limited to five (5) feet in height and not more than ten (10) feet in length.
14. Refuse Storage and Disposal: Trash areas shall be provided and screened on at least three (3) sides from public view by a solid decorative wall not less than five (5) feet in height. Permanent opaque panel gates shall be installed on all openings to the trash area.
  - a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
  - b. Refuse bins shall be provided and placed in a location convenient for customers.
  - c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
15. Equipment Rental: Rental of equipment such as trailers and trucks may be permitted, provided that:
  - a. The rental equipment does not occupy or reduce the availability of the required parking for the automobile service station.
  - b. The rental equipment storage location does not interfere with access and circulation on and around the site.
  - c. The rental equipment is incidental and secondary to the main activity on the site.

- D. **Operation of Facilities:** The service station shall at all times be operated in a manner that is not detrimental to surrounding properties or residents. Site design and activities shall be conducted to avoid and minimize:
1. Damage or nuisances from noise, smoke, odor, dust, or vibration.
  2. Hazards from explosion, contamination, or fire.
  3. Service station hours of operation shall be as conditioned in the approved CUP.
- E. **Security Plan:** A security plan shall be developed by the applicant and approved by the Police Department prior to issuance of a building permit.
- F. **Abandoned or Converted Service Stations**
1. Where service stations become vacant or cease operation for more than one hundred eighty (180) days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove all free-standing canopies.
  2. To confirm that a use has not been abandoned, the owner shall provide evidence to the Zoning Administrator with written verification prior to the one hundred eighty (180) days that an allocation of gas has been received and operation of the station will commence within thirty (30) days of the date of written correspondence.
  3. Resumption of service station operations after the one hundred eighty (180) days, specified above, may be permitted upon review and approval by the Zoning Administrator. Such a review may result in conditions of approval that may include but not be limited to the following:
    - a. Installing or replanting landscape areas;
    - b. Painting of structures;
    - c. Upgrading or installing trash enclosures;
    - d. Striping parking spaces;
    - e. Installation of signs in conformance with adopted sign provisions in Chapter 10 of this Code;
    - f. Resurfacing vehicle access and parking areas; and
    - g. Installation of missing street improvements.
- G. **Converted Service Stations:** The conversion of service station structures and sites to another use may require upgrading and remodeling including, but not limited to removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, missing street improvements or modification of existing improvements to conform to access regulations, and exterior remodeling.

**§9.260 Sidewalk Cafés**

- A. **Purpose and Intent:** This Section is intended to regulate the establishment and operation of sidewalk cafés that can enhance the pedestrian ambiance of the Town, and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods.
- B. **Applicability:** A sidewalk café shall comply with the provisions of this Section in addition to the property development standards and permit procedures for the zone district in which it is located.
- C. **Minimum Development Requirements**
1. **Accessory Use:** A sidewalk café shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.
  2. **Enclosure:** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the sidewalk café area without written approval from the Town Engineer. Awnings shall be adequately secured, and shall comply with the provisions of the latest edition of the Building Code adopted by the Town.
  3. **Fixtures:** The furnishings of the sidewalk café shall consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the main building.
  4. **Refuse Storage Area:** No structure or enclosure to accommodate storage of trash or garbage shall be erected or placed on or adjacent to the sidewalk café on either a public sidewalk or public right-of-way. Sidewalk cafés shall remain clear of litter at all times.
  5. **Hours of Operation:** The hours of operation of the sidewalk café shall be limited to the hours of operation of the associated restaurant or eating and drinking establishment.

**§9.270 Surface Parking Lots**

- A. **Purpose and Intent:** This Section is intended to ensure that commercial parking facilities and surface parking lots located adjacent to residential districts will not adversely affect nearby residents or diminish the integrity of a residential district.
- B. **Applicability:** All commercial parking facilities, including primary commercial parking uses, and accessory parking lots for associated commercial, industrial, institutional, and public uses shall comply with the provisions of this Section in addition to the applicable provisions of the zone district in which such a use is located.
- C. **Minimum Development Standards**
1. **Structures Permitted:** A parking guard or attendant shelter may be permitted provided that the shelter does not exceed seventy-five (75) square feet, is not more than twelve (12) feet in height, is not located in any required setback area, and is located at least fifty (50) feet from any adjacent residential parcel.



2. Vehicle Access: Where practical, vehicular access to parking lots from public streets shall be located a minimum of forty (40) feet from any residentially zoned parcel.

**§9.280 Swimming Pools and Recreational Courts**

- A. Purpose and Intent: This Section is intended to ensure that the construction of swimming pools and recreational courts within residential districts is consistent with the residential character of the neighborhood.
- B. Applicability: The provisions of this Section shall apply to the construction of swimming pools or recreational courts located on individual residential lots as accessory uses to primary residential use of the same lot.
- C. Permit Required for Accessory Use: Swimming pools and recreational courts may be permitted as an accessory use to a primary residential use, subject to securing a Town building permit.
- D. Swimming Pools
  1. Swimming pools shall be set back a minimum of five (5) feet from the rear property line and five (5) feet from the side property lines as measured perpendicularly to the edge of the swimming pool coping. Encroachment of up to two (2) feet into this setback area may be granted by the Building Official upon review and approval of stamped engineering calculations demonstrating that such encroachment will not compromise the structural integrity of any surrounding buildings or structures.
  2. A swimming pool shall not, in any circumstance, be located in a front yard setback area or the setback area of the street side of a reverse corner lot.
  3. Swimming pool equipment shall not be located within a street side yard setback area nor in a front yard setback area.
  4. Swimming pools shall not be located closer than ten (10) feet to any building, unless stamped engineering calculation, reviewed and approved by the Building Official, demonstrate that placement of a swimming pool closer than ten (10) feet to any building will not compromise the structural integrity of that building and/or that building foundation.
  5. Swimming pools, spas, and hot tubs shall comply with "Special Use and Occupancy" requirements of the latest adopted addition of the Town's International Building Code.
- E. Recreational Courts
  1. The maximum height of fences enclosing recreational courts shall be ten (10) feet.
  2. Recreational courts shall be set back a minimum of ten (10) feet from the side property line, ten (10) feet from the rear property line, and fifty (50) feet from the front property line.
  3. A maximum of eight (8) lights may be permitted. Said lights shall not exceed a height of twenty-two (22) feet.

4. All lighting shall:
  - a. Be designed, constructed, mounted, and maintained so that the light source is cut off when viewed from any point above five (5) feet, measured at the lot line; and
  - b. Be used only between the hours of 7:00 a.m. and 10:00 p.m.
5. The surface of a recreational court shall be designed, painted, colored, and/or treated to reduce reflection from any lighting thereon.
6. The above listed standards shall be considered minimum standards. The Zoning Administrator may impose more stringent standards if it is determined that such standards are required to achieve consistency with the intent and purpose of the General Plan and this Code.

**§ 9.290 Vehicle Repair Facilities**

- A. **Purpose and Intent:** This Section is intended to regulate the establishment and operation of vehicle repair facilities to reduce or eliminate potential noise, fumes, litter and parking problems associated with motor vehicle repair shops. The provisions of this section are further intended to ensure that vehicle repair facilities are compatible with adjacent and surrounding land uses.
- B. **Applicability:** Each vehicular repair facility, including those which may be a part of an incorporated dealership, shall comply with the provisions of this section in addition to the development standards and permit procedures of the zone district in which it is to be located and with other applicable provisions of this Code.
- C. **Minimum Development Standards**
  1. **Paving:** The portion of the site devoted to vehicle repair facilities shall be entirely paved, except for buildings and landscaping.
  2. **Structures:** When practical, entrances to individual service bays shall not face public rights-of-way or abutting residential parcels.
  3. **Repair Activities:** All repair activities, operations, and storage of materials shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.
  4. **Enclosure:** Repair facilities, performing body and fender work, or similar noise-generating activities, shall be conducted within a fully enclosed structure. All painting shall occur within a fully enclosed booth that meets all requirements of the Town's Uniform Building Code.
  5. **Litter:** The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No new, used, or discarded automotive parts, equipment, or permanently disabled, junked or wrecked vehicles may be stored outside of a building.

6. Storage: Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or alley.
7. Hazardous Materials: Any handling, treatment, storage, or use of hazardous materials shall be subject to the requirements of all Town and County ordinances, regulations, and restrictions.

**§9.300 Metal Storage Containers**

- A. The purpose of this Section is to establish the criteria, process, rules and standards for the use of metal storage containers. They are defined as prefabricated, portable metal containers used for storage of personal property.
- B. Temporary Uses in residential zoned districts.
  1. Upon the issuance of a building permit, two (2) one hundred sixty (160) square foot metal storage containers may be established with a temporary use permit per § 2.80 of this Code. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to eighteen (18) months at a time. Temporary use permits may be renewed so long as the building permit remains in active status.
  2. For non- permit projects (emergency situations related to fire, flood, or remodels), two (2) 160 square foot metal storage containers may be established with a temporary use permit for up to nine (9) months. Emergency-related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional twelve (12) month period.
  3. Metal storage containers shall be located at least ten (10) feet from the front and street side property lines and shall meet side and rear setback requirements for the zoning district in which they are located. Exceptions may be granted by the Town Manager in an emergency situation for a maximum of ninety (90) days.
  4. There shall be no utilities installed within the metal storage container.
  5. Any deviations from these standards may be approved through the issuance of a conditional use permit.
- C. Temporary Uses in commercial and industrial zoned districts.
  1. Upon the issuance of a building permit, metal storage containers may be established with a temporary use permit. A temporary use permit is required prior to the storage container being located on site and may be issued for up to eighteen (18) months at a time. Temporary use permits may be renewed so long as the building permit remains in active status.
  2. For non-permit projects, metal storage containers may be established with a temporary use permit for up to six (6) months.
  3. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks, building separation and structure

height. Exceptions may be granted by the Town Manager in an emergency situation for a maximum of ninety (90) days.

4. There shall be no utilities installed within the metal storage container.

D. Permanent Uses in the RR and RS-20 zone districts.

1. One (1) 160 square foot metal storage container may be established with an approved building permit, subject to the following standards.
  - a. The only utilities permitted shall be electricity for lights and outlets; no plumbing or mechanical equipment is permitted. The addition of electricity requires an electrical permit from the Building Official.
  - b. There shall be no signage on the metal storage container.
  - c. All containers shall be painted and maintained the same color as the primary structure or as a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
  - d. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks, building separation and structure height.
  - e. Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit including rental of the unit to people not residing on the property.
  - f. The unit shall not be used for residential use or for the keeping animals.
  - g. Nothing shall be stored on top of the unit.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit per §2.50 of this Code.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Chapter.

E. Permanent Uses in the CG, CH, and CF zone districts.

1. The equivalent of one (1) three hundred twenty (320) square foot metal storage container or two (2) containers not exceeding one hundred sixty (160) square feet each may be established with an approved building permit, subject to the following standards.
  - a. There shall be no signage on the metal storage containers.
  - b. Electric utility may be permitted as part of the building permit.
  - c. All containers shall be painted and maintained either the color of the primary structure or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

- d. The metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Chapter.

F. Permanent uses in the LL and HI Zones.

1. Metal storage containers are permitted with an approved building permit, subject to the following standards.
  - a. There shall be no signage on the metal storage containers.
  - b. Electric utility may be permitted as part of the building permit.
  - c. All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain.
  - d. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Code.

**§9.310 Accessory Wind Energy Systems**

- A. Purpose: The purpose of this Section is to establish a process, rules and standards for the construction and operation of accessory wind energy systems used primarily for on-site power consumption.

B. Definitions:

*Accessory Wind Energy System* – A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system consists of a wind turbine and associated controls and may include a tower.

*Hub Height* – The distance measured from ground level to the blade extended at its highest point.

*Wind Turbine* – A device which converts the kinetic energy of the wind into a usable form of electrical energy.

C. Where allowed.

1. Accessory wind energy systems shall be considered a permitted in all zone districts in the Town, provided the proposed site is a minimum of one (1) acre in size. Roof-mounted

systems may be permitted in any of the above-mentioned zoned areas that are a minimum of one-half (1/2) acre in size.

2. Any deviation from the required standards of this Code may be approved through the issuance of a conditional use permit.

**D. Performance Standards and Design Requirements.**

1. The requirements of this Code shall apply to all accessory wind energy systems proposed after the effective date of this Code.
2. All accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute.
3. Minimum parcel size of one (1) acre is required for the installation of an accessory wind energy system.
4. No more than two (2) systems are permitted per parcel.
5. Maximum height shall be that of the underlying zone district measured from pre-existing natural grade to the center of the turbine hub for horizontal and vertical systems.
6. Setback requirements shall be one hundred (100) percent of the total height of the accessory wind energy system from all property lines, access easements, residential structures and public electric power or telephone lines. No part of the wind system structure, including guy wire anchors, may extend into the minimum setback area of the underlying zone district or into any access or utility easements.
7. All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to approval by the Town Manager. The appearance of the turbines, towers and any other related components shall be maintained throughout the life of the wind energy facility pursuant to industry standards.
8. Systems shall not be used for displaying any advertising.
9. Systems shall not be illuminated unless required by a State or Federal agency.
10. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a building permit.
11. Accessory wind energy systems shall be designed, installed and operated so that noise generated by the system shall not exceed fifty decibels (50dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.
12. Building permits shall be obtained for any accessory wind energy system prior to installation.

- E. **Obsolescence and Removal:** If the accessory wind energy system remains non-functional or inoperative for a continuous period of one hundred twenty (120) days, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained. Removal includes the entire structure, including foundations to below natural grade and transmission equipment.

**§9.320 Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities**

- A. **Purpose:** The purpose of this Section is to establish a process, rules and standards for the construction, establishment and operation of medical marijuana dispensaries, and off-site cultivation and infusion facilities, pursuant to A.R.S. §36-2806.01.

- B. **Definitions:**

*Medical Marijuana* – All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical conditions.

*Medical Marijuana Dispensary* – A not-for-profit entity defined in A.R.S. § 36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients or their designated caregivers.

*Medical Marijuana Infusion Facility* – A facility that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods.

*Medical Marijuana Off-Site Cultivation Location* – A building, structure or premises associated with, but separate from a medical marijuana dispensary where cultivation, storage, infusion and/or manufacture of medical marijuana products is accomplished.

- C. **Where Allowed.**

1. Medical marijuana dispensaries shall be considered a permitted use in the CG (Commercial General) and CH (Commercial Heavy) Zones in areas designated for development, subject to CG and CH uses and development standards and subject to the following performance standards and design requirements. Off-site cultivation and infusion facilities shall be considered as conditional uses in the CH zone in areas designated for development, subject to the CH uses and development standards.
2. Medical marijuana off-site cultivation and infusion facilities shall be considered permitted uses in the LI (Light Industrial), and HI (Heavy Industrial) Zones in areas designated for development, subject to the LI and HI uses and development standards, subject to the following performance standards and design requirements.

- D. **Performance Standards and Design Requirements.**

1. Medical marijuana dispensaries shall be located in a permanent building, and may not locate in a trailer, cargo container or motor vehicle.

2. Medical marijuana dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana pursuant to A.R.S. §36-2806(C).
3. Medical marijuana dispensaries shall be a maximum of two thousand five hundred (2,500) gross square feet.
4. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within five hundred (500) feet of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or public park existing before the date of application for the medical marijuana dispensary or cultivation/infusion facility. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
5. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within five hundred (500) feet of another medical marijuana dispensary or cultivation or infusion facility. This distance shall be measured in a straight line between the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
6. Any medical marijuana dispensaries and cultivation/infusion facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or a public park.
7. Retail sales and dispensing of medical marijuana and related products are prohibited at off-site medical marijuana cultivation and infusion facilities.
8. Operating hours of medical marijuana dispensaries are limited to 8:00 a.m. to 8:00 p.m.
9. Drive-through services are prohibited.
10. There shall be no emission of dust, fumes, vapors, odors or hazardous waste into the environment from any facility where medical marijuana cultivation or infusion occurs.
11. Marijuana remnants and byproducts shall be secured and properly disposed of and shall not be placed within the facility's exterior refuse containers.
12. Medical marijuana cultivation and infusion may occur within a medical marijuana dispensary. Otherwise, a medical marijuana dispensary may have one additional location where cultivation, infusion and production of medical marijuana products occurs pursuant to A.R.S. §36-2804(B)(1)(b)(ii).

**E. Permits Required.**

1. Where medical marijuana dispensaries and cultivation/infusion facilities are classified as a permitted use, an administrative permit shall be obtained prior to establishment of the use. To obtain an administrative permit, an applicant must comply with divisions E.3 through E.10 below.



2. Where medical marijuana cultivation/infusion facilities are classified as a conditional use, a conditional use permit shall be obtained prior to establishment of the use. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.
3. The applicant shall provide the name and location of the medical marijuana dispensary. For an off-site cultivation and/or infusion facility, the applicant shall provide the name and location of the dispensary with which it is associated.
4. If the applicant is not the property owner, the application shall include both the applicant's and property owner's signatures.
5. The applicant shall provide a copy of their dispensary registration certificate issued by ADHS pursuant to A.R.S. §36-2804(B) and a copy of the operating procedures adopted pursuant to A.R.S. §36-2804(B)(1)(c) along with a site plan, floor plan and security plan.
6. If the dispensary and/or cultivation/infusion facility is proposed to be located in an existing building, the applicant shall obtain a building permit for change of occupancy with plans prepared by a professional architect registered in the state.
7. A medical marijuana dispensary or infusion facilities that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.
8. If the measured distance is within twenty-five (25) feet of the required limits identified in divisions D.4 and D.5 above, a survey sealed by a registered land surveyor may be required, at the discretion of the Town Manager and at the applicant's expense, to verify the required separation.
9. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Town Council in effect at the time of application.
10. Permits may be denied if the applicant, in the reasonable opinion of the Town Manager, is failing to comply with any applicable state or local law or regulation.

**CHAPTER 10  
PARKING REGULATIONS**

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## **CHAPTER 10 PARKING REGULATIONS**

### **§10.10 Purpose and Intent**

This Chapter is intended to ensure an adequate provision of parking and loading facilities proportionate to the needs created by the various land uses within the Town. In providing adequate parking and loading it is the intent of this Chapter to promote the following:

- A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards.
- B. Ensure the maneuverability of emergency and service vehicles.
- C. Provide safe, accessible, convenient, attractive, and well-maintained off-street parking areas.
- D. Protect residential neighborhoods from the effects of vehicular noise and traffic by uses in adjacent non-residential districts.

### **§10.20 General Regulations**

#### **A. Applicability**

- 1. Any new building constructed, any new use established, any addition or enlargement of an existing structure or use, and any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required, shall comply with the provisions of this Chapter.
- 2. In the case of additions or enlargements of an existing building or use, or a change of occupancy or manner of operation that would result in additional parking spaces being required, the additional parking spaces shall be required only for such addition, enlargement or change, and not for the entire building or use, unless a specific finding is made by the Zoning Administrator that additional parking for the entire building or use is necessary to protect the public health, safety and welfare.

#### **B. Status of Existing Development and Approvals**

- 1. No building or use of land which lawfully existed on the effective date of this Code shall be considered nonconforming solely because of the lack of off-street parking and loading facilities required by this Chapter.
- 2. Projects with unexpired site plans or conditional use permits approved prior to the effective date of this Code need only meet the requirements of the parking ordinance in effect on the date the plot plans or conditional use permits were approved.
- 3. No off-street parking facilities located in a commercial or an industrial zone district shall be used for any purpose other than the temporary parking of vehicles used by employees and patrons that the facilities are intended to serve without first obtaining approval of the Town. The display of vehicles offered for sale shall be strictly prohibited on said off-street parking facilities.

- C. **Calculation of Floor Areas:** The floor areas used to calculate the number of spaces required by the provision of off-street parking and loading spaces contained in § 10.30 and § 10.40 of this Chapter shall include:
1. All floor area which is devoted to office, retail, service, or other activities and uses including: storage areas, restrooms, lounges, lobbies, kitchens, and interior hallways and corridors, unless specifically exempted in this Chapter.
  2. All outdoor patio, deck, balcony, terrace, kiosk, or other outdoor area that will accommodate a permanent activity that generates a demand for parking facilities in addition to that which is provided for principal activities and uses within the building or structure.
  3. Gross floor area shall not include enclosed or covered areas used for off-street parking, loading, or bicycle facilities.
- D. **Fractions:** Where the application of provision of off-street parking, loading spaces, and bicycle facilities contained in §10.30, §10.40, and §10.50 of this Chapter result in a fractional space, the fraction shall be rounded to the next lower whole number.
- E. **Increases and Decreases in Requirements**
1. The number of spaces required by the provision of off-street parking and loading spaces contained in §10.30 and §10.40 of this Chapter may be increased if it can be demonstrated through a parking study that the proposed use would have a parking or loading space demand greater than the requirements given in §10.30 and §10.40 of this Chapter. The Zoning Administrator may require that a parking study be provided by an applicant when, in the opinion of the Zoning Administrator, an increase in the number of parking or loading spaces may be warranted.
  2. A decrease in the number of spaces required by the provisions of off-street parking and loading spaces and bicycle facilities contained in §10.30 and §10.40 of this Chapter may be granted under the circumstances identified in §10.50 of this Chapter by approval of a variance or as part of an application for a conditional use permit.
- F. **Multiple Uses:** In situations where a combination of uses are developed on a site, including multiple uses under single ownership, the number of spaces required for off-street parking, loading spaces, and bicycle facilities contained in §10.30 and §10.40 of this Chapter shall be equal to the sum of the requirements for each of the uses, unless a reduction is granted pursuant to the shared parking provisions of §10.50 of this Chapter. If the gross floor area of each individual user is less than the minimum for which parking or loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of parking and loading spaces.
- G. **Operation and Maintenance**
1. All parking, loading, and bicycle facilities required by this Chapter shall be maintained for the duration of the use requiring such facilities.
    - a. Required parking and loading facilities shall not be used for the storage or display of merchandise, or for the storage or repair of vehicles or equipment.

- b. Required parking and loading facilities shall not be used for the sale of merchandise, except for a special event, subject to the issuance of a Special Event Permit pursuant to the provisions of §2.90 (Special Event Permits) of this Code.
  2. It shall be the responsibility of the owner or operator of a specific use to ensure that all parking facilities are maintained in good operating condition, are periodically swept and cleaned, and are properly striped.

**H. Requirements Not Given in Parking and Loading Schedules**

1. For parking and loading facilities for a specific use not listed in §10.30 and §10.40 of this Chapter, the required parking shall be determined through an individual development review process.
  2. An applicant proposing to develop or expand a use whose parking requirements are not shown, shall submit a parking study to the Zoning Administrator providing justification for the proposed number of spaces. This study shall be considered during review of the development application.
- I. **Compact Parking:** The maximum percentage of all on-site parking that may be permitted as compact spaces shall be as provided in Table 10.A of this Chapter, unless otherwise specified in §10.50 (Adjustment to Off-Street Parking Requirements).
- J. **Tandem Parking:** Unless otherwise permitted in this Code, tandem parking shall not be used to meet the required number of parking spaces unless specifically permitted as part of an approved conditional use permit or unless findings for a variance can be made.
- K. **Time-Restricted Customer Parking:** Time-restricted customer parking may be delineated for high turnover businesses for the purpose of restricting long-term parking at selected locations. Requests for time-restricted parking may be included within the required development application for new or expanded uses, and shall be approved or denied based on the criteria listed below.
  1. **Application Requirements:** Requests for delineation of time-restricted customer parking shall be submitted to the Zoning Administrator and shall be acted upon by the Town Council. The following information shall be supplied with the application:
    - a. Site plan of the commercial activity, including information regarding the total number of parking spaces, the number and designation of proposed time-restricted parking spaces, and on-site vehicular, bicycle and pedestrian circulation, access, and design.
    - b. Other information as may be required by the Zoning Administrator or the Town Council.
  2. **Approval Authority:** Requests for time-restricted parking may be approved by the Town Council.

3. **Required Findings:** A request for time-restricted customer parking may be approved provided that all of the following findings are made:
- a. The amount and distribution of time-restricted customer spaces allows for time-restricted parking without adversely affecting the parking needs of other uses within the general area; and
  - b. The location of the time-restricted customer parking spaces will not impede vehicular, bicycle, or pedestrian circulation, and will not encroach into required fire lane access areas.
4. **Revocation of Time-Restricted Customer Parking**
- a. Approvals for time-restricted customer parking spaces, granted pursuant to the provisions of this Section, may be revoked by the Town Council if it is found that the continued use of time-restricted customer parking adversely affects the parking needs of the general area or impedes vehicular, bicycle, or pedestrian circulation due to changes in tenant mix, customer parking demands, or any other factors which change the parking demand characteristics.
  - b. Any decision to revoke a time-restricted customer parking approval shall become final thirty (30) days after the decision to revoke is made.
- L. No vehicle, as defined in §1.190 (Definitions) of this Code, shall be permitted to be parked on any unpaved portion of a front yard setback area, or on any paved portion of a front yard setback area not designated as an access corridor (driveway) to an on-site parking facility (carport or garage) on any lot located in a residentially zoned district in the Town.

**Table 10.A**  
**Off-Street Automobile Parking Space Requirements**

| Use                                  | Minimum Off-Street Parking Requirements  | Maximum % Compact Spaces | Notes   |
|--------------------------------------|--|--------------------------|---|
| <b>A. Residential Uses</b>           |  |                          |   |
| 1. Single Family Dwelling            | 2 spaces per unit <sup>1</sup>   | None                     | <sup>1</sup> 2 <sup>nd</sup> units in a SFD zone shall provide an additional parking space.<br><sup>2</sup> Parking spaces shall be assigned to a specific unit<br><sup>3</sup> Spaces shall be located within 150 feet of the unit being served. |
| 2. Multifamily Dwelling              |  |                          |   |
| a. Resident Parking <sup>2,3,4</sup> | Studio: 1 space/unit;<br>1 bedroom: 1.5 spaces/unit<br>2 bedroom: 2 spaces/unit  | None                     |   |
| b. Guest Parking                     | 0.25 spaces per unit for 11 or more units; no guest parking for 10 or less units | 50%                      |   |

| Use  | Minimum Off-Street Parking Requirements                               | Maximum % Compact Spaces | Notes   |
|--|---|--------------------------|---|
| 3. Senior housing, Independent Care  |   |                          |   |
| a. Resident Parking  | 1 space/unit <sup>4</sup>   | None                     | <sup>4</sup> Assigned spaces shall be covered, by carport or garage.  |
| b. Guest Parking   | 0.25 spaces per unit <sup>5</sup>                                     | 50%                      | <sup>5</sup> Guest spaces may be uncovered.   |
| 4. Senior Housing: Congregate Care   |   |                          |   |
| a. Resident Parking  | 0.5 spaces per unit or as set by Town Council <sup>6,7</sup>          | 50%                      | <sup>6</sup> Applicant shall submit a parking study.<br><sup>7</sup> For multiple family units, parking shall be within 150 feet of the dwelling it serves.   |
| b. Guest Parking   | 0.25 spaces per unit  | 50%                      |   |
| 5. Mobile Home Parks and Subdivisions  |   |                          |   |
| a. Resident Parking  | 2 spaces per unit <sup>8</sup>  | None                     | <sup>8</sup> Tandem spaces may be permitted for a mobile home park.   |
| b. Guest Parking   | 1 space per five (5) units  | None                     |   |
| 6. Model Home Complexes  | 3 spaces per model home plus 1 space per salesperson <sup>9, 10</sup> | None                     | <sup>9</sup> On-street parking adjacent to model homes may be counted toward the parking requirement if it does not impact other residential parking and does not obstruct traffic flow.<br><sup>10</sup> Spaces for salespersons may be provided in vacant garages of model homes. |
| <b>B. Commercial Uses</b>  |   |                          |   |
| 1. Uses Located in Regional Commercial Shopping Centers (more than 750,000 sq. ft. of gross leasable area)                       | 1 space per 300 sq. ft. of gross floor area.                          | 25%                      |   |
| 2. Uses located in Neighborhood, Community, and Convenience Shopping Centers (less than 750,000 sq. ft. of gross leasable area). | 1 space per 250 sq. ft. of gross floor area <sup>10</sup>             | 25%                      | <sup>10</sup> Alternative parking for commercial centers may be permitted by Council based upon supportive findings in a parking study.   |

| Use   | Minimum Off-Street Parking Requirements  | Maximum % Compact Uses | Notes  |
|---|--|------------------------|--|
| <b>3. Freestanding Commercial and Service Uses</b>  |  |                        |  |
| a. Automobile Repair & Services   | 1 space per 500 sq. ft. of gross floor area plus 1.5 spaces per service bay <sup>11</sup>          | 25%                    | <sup>11</sup> No off-street parking space shall be used for sale, service, rental, or repair of vehicles.  |
| b. Automobile Sales   | 1 space per 350 sq. ft. of interior office area plus 2 spaces per service bay <sup>12</sup>        | 25%                    | <sup>12</sup> No required off-street parking space shall be used for repair of vehicles.   |
| c. Automobile Service Station <sup>13</sup>   | 2 spaces plus 2 spaces per service bay   | 25%                    | <sup>13</sup> If a mini-mart is part of a service station, 1 additional space per 200 sq. ft. of retail area shall be provided.                          |
| d. Automobile Washing (Self Service)  | 1 space per 2 washing stalls   | 25%                    |  |
| e. Barber Shop, Beauty Parlor   | 2 spaces per barber chair or beautician station  | 25%                    |  |
| f. Bank, Savings & Loan <sup>14</sup>   | 1 space per 250 sq. ft. of gross floor area  | 25%                    | <sup>14</sup> Special requirements apply for drive-through facilities. Refer to Chapter 9  |
| g. Business and Personal Services   | 1 space per 250 sq. ft. of gross floor area  | 25%                    |  |
| h. Bed and Breakfast Inns   | Required spaces for existing residential units and 1 space per each guest room                     | 25%                    | <sup>15</sup> All spaces for guest parking shall be 9 feet wide by 19 feet long. No on-street or tandem parking is allowed to meet parking requirements. |
| i. Eating and drinking facility with or without drive-in or take-out facilities <sup>16</sup> | 1 space per 80 sq. ft. of gross dining area, inside and outside                                    | 25%                    | <sup>16</sup> Special design requirements apply for drive-through facilities (see Chapter 9 (Specific Use Development Standards)).                       |
| j. Mortuaries   | 1 space per each 4 seats plus funeral procession of queue capacity for 5 cars                      | 25%                    |  |
| k. Offices (1) Administrative, Business, Professional (2) Government                          | (1) 1 space per 250 gross sq. ft. of floor area<br>(2) 1 space per 200 gross sq. ft. of floor area | 35%                    |  |
| l. Retail, General (e.g., Department Stores, Markets, Specialty commercial, etc.)             | 1 space per 250 gross sq. ft. of floor area  | 25%                    |  |
| m. Retail, Furniture, Major Appliances  | 1 space per 500 gross sq. ft. of floor area  | 25%                    |  |



| Use  | Minimum Off-Street Parking Requirements   | Maximum % Compact Spaces | Notes |
|--|---|--------------------------|-------|
| <b>C. Educational Services</b>   |   |                          |       |
| 1. Business and Trade Schools  | 1 space per each 4-person capacity, or 1 space per 250 gross sq. ft. of floor area, whichever is greater  | 25%                      |       |
| 2. Colleges  | 10 spaces plus 30 spaces per classroom  | 25%                      |       |
| 3. Elementary, Junior High Schools   | 2 spaces per classroom  | 25%                      |       |
| 4. Senior High Schools   | 10 spaces plus 10 spaces per classroom  | 25%                      |       |
| <b>D. Medical and Health Services</b>  |   |                          |       |
| 1. Convalescent and Nursing Homes  | 1 space per 3 beds  | 25%                      |       |
| 2. Hospitals   | 1 space per 1.5 beds  | 25%                      |       |
| 3. Medical and Dental Offices and Clinics, Veterinary Clinics and Offices, Emergency Rooms | 1 space per 200 gross sq. ft. of floor area   | 25%                      |       |
| <b>E. Industrial Uses</b>  |   |                          |       |
| 1. Manufacturing   | 1 space per 500 gross sq. ft. of floor area devoted to manufacturing plus the required amount of parking for gross square footage devoted to other uses | 35%                      |       |
| 2. Research and Development  | 1 space per 250 gross sq. ft. of floor area   | 35%                      |       |
| 3. Warehouse and Distribution  | 1 space per 1,000 gross sq. ft. of floor area devoted to warehousing plus the required amount of parking for gross square footage devoted to other uses | 35%                      |       |
| <b>F. Entertainment and Recreation Uses</b>  |   |                          |       |
| 1. Arcades, Games  | 1 space per 150 gross sq. ft. of floor area   | 25%                      |       |
| 2. Auditoriums, Places of Public Assembly  | 1 space per 5 seats or 1 space per 80 gross sq. ft. where there are no fixed seats  | 25%                      |       |
| 3. Bowling Alleys, Billiard Halls  | 5 spaces per alley plus 2 spaces per billiard table plus required parking for other on-site uses  | 25%                      |       |
| 4. Commercial Stables  | 1 space per 5 horses capacity for boarding on-site  | 25%                      |       |

| Use   | Minimum Off-Street Parking Requirements  | Maximum % Compact Uses | Notes  |
|---|--|------------------------|--|
| 5. Golf Driving Range   | 1 space per tee plus required parking for other on-site uses   | 25%                    |  |
| 6. Golf Course (Executive and Regulation)   | 6 spaces per hole plus required parking for other on-site uses   | 25%                    |  |
| <b>F. Entertainment and Recreation Uses (Cont'd)</b>  |  |                        |  |
| 7. Golf, Miniature  | 3 spaces per hold plus required parking for other on-site uses   | 25%                    |  |
| 8. Health Club/Centers  | 1 space per 100 sq. ft. floor area <sup>17</sup>   | 25%                    | <sup>17</sup> Alternative parking requirements may be required based upon a parking study if required for such a facility. |
| 9. Parks, Public and Private (over 10 acres in size) <sup>18</sup>                              | To be determined for the proposed use based upon the parking study findings  |                        | <sup>18</sup> Applicant must submit a parking study.   |
| a. Neighborhood Parks   | A minimum of 5 spaces for the first 2 acres plus 1 space for each additional acre  | 25%                    |  |
| b. Community Park (under 5 acres)   | A minimum of 5 spaces per acre; plus additional spaces for spectator seating at athletic fields, community centers and pools | 25%                    |  |
| 10. Skating Rinks   | 1 space per 100 sq. ft. of gross floor area  | 25%                    |  |
| 11. Tennis, Handball, Racquetball Facilities  | 3 spaces per court plus required parking for on-site uses  | 25%                    |  |
| 12. Theaters, Movie   | 5 spaces plus 1 space per 3 fixed seats  | 25%                    |  |
| <b>G. Public and Quasi-public Uses</b>  |  |                        |  |
| 1. Day Care, Preschools, Nursery Schools, Family Day Care, Residential Care Homes <sup>19</sup> |  |                        | <sup>19</sup> Parking requirements are based upon maximum capacity of the proposed facility                                |
| a. Day Care Centers   | 1 space per employee plus 1 space per 5 children   | 25%                    |  |
| b. Family Day Care Homes  | 2 spaces per dwelling unit in addition to residential requirement  | 25%                    |  |
| c. Residential Care Homes   | 2 spaces per dwelling unit in addition to residential requirements   | 25%                    |  |

| Use                              | Minimum Off-Street Parking Requirements   | Maximum % Compact Uses | Notes   |
|----------------------------------|---|------------------------|---|
| 2. Libraries, Museums, Galleries | 1 space per 400 sq. ft. of gross floor area   | 25%                    |   |
| 3. Places of Worship             | 1 space per 80 sq. ft. of floor area of main assembly or auditorium area; plus requirement for office space, if applicable; plus for school uses, if applicable | 25%                    |   |
| 4. Public Utilities              | To be determined by the Zoning Administrator for the proposed use <sup>20</sup>   | 25%                    | <sup>20</sup> Applicant shall submit a parking study. |

### §10.30 Off-Street Parking Requirements

- A. Automobile Parking Requirements: Minimum off-street automobile parking requirements for uses within the Town are specified in Table 10.A of this Chapter, while §10.60 of this Chapter provides design standards for vehicular parking.
- B. Handicapped Parking requirements:
1. Handicapped parking space dimensions are provided in §10.60 of this Chapter.
  2. Handicapped parking spaces shall be provided as set forth in Table 10.B below.

**TABLE 10.B  
HANDICAPPED PARKING REQUIREMENTS**

| Number of Automobile Spaces Provided | Number of Handicapped Spaces Required  |
|--------------------------------------|--|
| 1 – 25                               | 1 Van accessible space   |
| 26 – 50                              | 2 including 1 van accessible space   |
| 51 – 75                              | 3 including 1 van accessible space   |
| 76 – 100                             | 4 including 1 van accessible space   |
| 101 – 150                            | 5 including 1 van accessible space   |
| 151 – 200                            | 6 including 1 van accessible space   |
| 201 – 300                            | 7 including 1 van accessible space   |
| 301 – 400                            | 8 including 1 van accessible space   |
| 401 – 500                            | 9 including 2 van accessible spaces  |
| 501 – 1,000                          | 2% including 3 van accessible spaces   |
| 1,001 +                              | 20 plus 1 per 100, including a minimum of 1 van accessible space per 8 accessible spaces |

**C. Motorcycle parking space design standards**

1. Motorcycle parking spaces shall be provided for all nonresidential uses at the following rates:
  - a. Uses requiring more than twenty-five (25) but less than one-hundred (100) parking spaces shall provide one (1) designated motorcycle parking space.
  - b. Uses with one-hundred (100) or more parking spaces shall provide one (1) designated motorcycle parking area for each one-hundred (100) required automobile spaces.
  - c. Motorcycle parking spaces required by this Section shall count toward meeting the total number of parking spaces required by this Chapter.

**D. Recreational Vehicle Parking Spaces:** Recreational vehicle parking spaces shall not be permitted within multiple family residential developments unless a parking facility is approved by the Zoning Administrator for a portion of the development specifically designed for the storage of all such recreational vehicles.**E. Tour Bus Parking:** For hotels and motels with more than sixty (60) guest rooms, parking for up to four (4) tour buses will be allowed in lieu of automobile parking spaces at a ratio of one (1) tour bus for every sixteen (16) parking spaces provided that, in no event shall the number of automobile parking spaces be less than seventy-five (75) percent of that otherwise required. Additional tour bus parking spaces may be provided, but no additional credit will be given.**§10.40 Adjustments to Off-Street Parking Requirements**

- A. The Planning and Zoning Commission shall have the authority to approve a request for a parking adjustment under the following conditions:
  1. A credit may be given for on-street parking spaces that are adjacent to the frontage of the designated site towards the total number of required off-street parking spaces provided that such on-street parking spaces will remain available for public parking during normal business hours.
  2. No on-street parking spaces located within fifteen (15) feet of a 'stop-sign' or corner radius shall be counted.
  3. No on-street parking spaces located in front of a bus stop shall be counted.
- B. **Notice:** Notice of an application for a parking adjustment shall be published in a newspaper of general circulation not less than fifteen (15) days prior to the date set for the Commission hearing in a manner consistent with §2.130 (Public Hearing and Notification Procedures).
- C. **Finding for Approval:** The Planning and Zoning Commission, in approving a parking adjustment shall find as follows:

1. The proposed parking modification and use of the structure is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the affected zone district.
2. That the required parking cannot be provided without the approval of the requested adjustment.
3. That approval of the parking adjustment will not harm the integrity of the structure or the surrounding neighborhood.

**§10.50 Shared Parking:**

- A. A maximum reduction of thirty (30) percent of the minimum parking requirements for individual uses may be granted by the Town Manager, where joint use of parking facilities or other factors will mitigate peak parking demand.
1. Request for parking reductions resulting from joint usage shall be supported by information that generally follows the format described below:
    - a. Review of the shared parking proposal involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of the different land uses.
    - b. Adjustments shall take into account calculations of the number of off-street parking spaces required for each land use within the area proposed for joint parking. Other elements to be considered include seasonal adjustments for parking demand and a determination of the mode of transit used in reaching or departing the area being considered.
  2. In granting parking reductions for shared use of parking facilities, the Town Manager shall make one or more of the following findings:
    - a. The report justifies the requested parking reduction based upon the presence of two (2) or more adjacent land uses which, because of the substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities.
    - b. The report indicates there are public transportation facilities and/or pedestrian circulation opportunities that justify the requested reduction of parking facilities.
    - c. The report finds that the use otherwise adheres to the parking standards in this Chapter.
    - d. The report finds that clustering different land uses actually requires reduced parking spaces by serving multiple trip purposes to that area.
  3. As a condition of approval of the reduction in required parking, the Town Manager may require the granting of reciprocal access and parking agreements with surrounding properties through the creation of a legal instrument, in a form acceptable to the Town

Attorney, to assure the permanent continuation of the circumstances under which the parking reductions were granted.

**§10.60 Off-Site Parking Facilities:**

- A. Required parking for a development may be provided off-site under certain instances. Requests for off-site parking facilities shall meet the following requirements:
1. Proximity of the off-site parking facilities; and
  2. Ease of pedestrian access to the off-site parking facility; and
  3. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and
  4. The need for locating parking facilities off-site, and the resulting design benefits of the off-site parking, if any.
- B. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign a legal agreement, acceptable to the Town Attorney, ensuring the continued availability of the off-street parking facilities for the use they are intended to serve.

**§10.70 Design Standards:**

- A. Each automobile off-street parking space shall consist of a rectangular area not less than nine (9) feet wide by nineteen (19) feet long, together with drives, aisles, turning and maneuvering areas and having access at all times to a public street or alley. All parallel automobile parking spaces shall be a minimum of eight (8) feet by twenty-four (24) feet.
- B. Each off-street parking area shall provide an area or areas landscaped equivalent to ten (10) square feet for each parking space. Such landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material; provided, however, that such landscaped area shall include at least one (1) minimum fifteen (15) gallon tree for each ten (10) parking spaces. In addition, one (1) minimum fifteen (15) gallon tree shall be provided in the interior portions of the parking area for each ten-thousand (10,000) square feet of parking area. Required landscaped yard or setback areas shall not be construed as satisfying any portion of the landscaped area required by this Section unless authorized and accepted by the Planning and Zoning Commission.
- C. Any unused parking space resulting from the design of the parking area shall be used for landscape purposes.
- D. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.
- E. All off-street parking areas, except for single-family dwellings and duplexes shall be constructed and maintained to provide the following:

1. Grading, drainage, and a minimum of two (2) inches of asphaltic concrete paving over a four (4) inch aggregate base or other acceptable paving design prepared by a registered professional engineer to the specifications of the Town Engineer unless a paving waiver is approved by the Planning and Zoning Commission.
  2. Bumpers, wheel stops, parking space markings, and other vehicular controls to the specifications of the Town Manager or his/her designee.
  3. Lighting may be required to the specifications of the Town Manager, or his/her designee. In all cases, such lighting shall be arranged and shielded so that direct rays do not shine onto adjacent property and no light is projected above the horizontal plane.
  4. Drainage shall be provided to the specifications of the Town Building Official or Town Engineer.
- F. Parking area design dimensions shall be as set forth in Table 10.B. In the event practical difficulties and hardships result from strict enforcement of the standards in Table 10.B due to existing buildings or an irregularly shaped lot, an administrative variance by the Town Manager may be given for Standards 1 through 4 inclusive of Table 10.B, not to exceed ten (10) percent.
- G. Where undefined off-street parking facilities are provided, but not addressed by this Chapter, such facilities shall comply with the development and design standards of this Chapter.
- H. Parking for the handicapped shall be provided in accordance with the requirements set forth in A.R.S. §34-405-C as follows: Each handicapped parking space shall be a minimum of fourteen (14) feet wide, lined to provide a nine (9) foot wide parking area and a five (5) foot wide loading area and shall be a minimum of nineteen (19) feet in depth. If two (2) handicapped spaces are located adjacent to each other, they may share the five (5) foot wide loading area resulting in a width of twenty-three (23) feet for the two (2) spaces.
- I. At the discretion of the Town Manager, designated bus parking may be required for uses subject to tour bus traffic. Where required, minimum dimensions for bus parking spaces shall be twelve (12) feet by forty-two (42) feet for angle or perpendicular parking and ten (10) feet by fifty-five (55) feet for parallel parking.
- J. Not more than forty (40) percent of the total number of parking spaces shall be designed for compact and sub-compact vehicles. Such space shall be a minimum of eight (8) feet by sixteen (16) feet in size.
- K. Motorcycle parking spaces shall have a minimum usable area of fifty-six (56) square feet.
- L. Parking facilities serving uses that make use of shopping carts, including, but not limited to supermarkets, drug stores, and lumber/hardware stores shall contain shopping cart storage areas. The dimensions and locations of such storage area for the proposed use shall be approved by the Zoning Administrator.
- M. Driveway dimensions for multiple family residential dwellings and non-residential uses shall be in conformance with Table 10.C below:

**TABLE 10.C  
DRIVEWAY DIMENSIONS FOR MULTI-FAMILY  
DWELLINGS AND NONRESIDENTIAL USES**

| <b>Driveway Dimension</b>                     |         |
|---|---------|
| <b>Width, excluding flares or curb radius</b> |         |
| Minimum (one-way)                             | 15 feet |
| Minimum (two-way)                             | 24 feet |
| Maximum                                       | 36 feet |
| <b>Turn radius*</b>                           |         |
| Minimum                                       | 15 feet |
| Maximum                                       | 50 feet |
| <b>Minimum Spacing**</b>                      |         |
| From side property line                       | 5 feet  |
| From street corner                            | 15 feet |

\* On-site driveway exposed to entry or exit by right turning vehicles (applicable only to driveways with curb radius).

\*\* Minimum spacing is measured along the curb line from the top of driveway to the side property line, or the beginning of the intersection.

**Note:** A larger dimension may be required for emergency vehicle access. The Fire Chief and/or the Town Engineer shall determine the dimensions that may be required.

**§10.80 Loading Area Requirements**

- A. Loading areas shall be designed to provide adequate area for backing and maneuvering on-site and shall not require maneuvering within a public right-of-way or backing onto a public street.
- B. Loading doors fronting a public street shall not be closer than seventy (70) feet from the property line and shall not encroach into side or rear setback areas.
- C. Screen walls and wing walls for screening loading areas shall have a maximum height of twelve (12) feet.
- D. Design and number of spaces, depending on the size and scope of the proposed development, shall be reviewed and approved by the Town Manager or his/her designee.



**CHAPTER 11  
SIGN REGULATIONS**

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## CHAPTER 11 SIGN REGULATIONS

### §11.10 Purpose and Intent

- A. Signs are considered to be an essential economic and visual element of any community. They contribute significantly to its visual quality, thus influencing perceptions of that community. In communities where there has been an uncontrolled proliferation of signs, the result has often been clutter, confusion and visual blight to the detriment of that community's image, and to its economic development. However, under proper regulation, signs may be designed and displayed to effectively convey their intended message and to help create a community which is well-organized and visually appealing.
- B. It is the intent of this Chapter to control proposed and existing signs in the Town in order to protect its physical and economic environment, to implement the policies of the General Plan, and to promote public health, safety and general welfare.

The general objectives and provisions of this Chapter are intended to:

1. Ensure that signs serve primarily to identify an establishment on a site and to direct persons to various activities and enterprises in order to provide for maximum public convenience;
2. Ensure that signs are compatible and harmonious with their surroundings and adjacent land uses;
3. Ensure that signs are expressive of the identity of the individual properties and of the community as a whole;
4. Avoid traffic hazards by minimizing visual competition among signs and by providing clear identification of businesses;
5. Encourage signs which are well designed and attractive in appearance, and provide incentives and latitude for variety, innovation, pleasing design relationships, and spacing; and
6. Provide criteria for signs to insure the development of a high quality visual environment.

### §11.20 Administration

- A. Compliance Required: No person, business, organization or entity of any kind shall place, erect, maintain, cause, allow to be placed, erected, or maintained any sign or sign structure contrary to, or in violation of, any of the provisions of this Chapter.
1. Any sign or sign structure, which is being displayed or is being poorly maintained in violation of the provisions of this Code, shall be taken down, removed, or altered to comply with the provisions of this Chapter. It shall be the responsibility of the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign or sign structure may be found, to take down, remove or alter the sign or sign structure to comply with the provisions of this Chapter.

**B. Sign Permits and Review:**

1. **Permits Required:** No sign or sign structure shall be placed, erected, or maintained within the Town without prior issuance of a sign permit unless such sign is specifically exempted by this Code, or by other Town ordinance. Building and electrical permits may also be required. Signs or sign structures placed, erected, or maintained without all required permits, and not exempted by this Code or by other Town ordinance, shall be deemed illegal.
2. **Permit Applications:** Applications for sign permits, or for approval of Planned Sign Programs shall be made on forms provided by the Zoning Administrator, and shall be accompanied by plans and exhibits as required. Upon receipt of a sign application, the Zoning Administrator shall inform the applicant as to the completeness of the submittal and of additional materials required, if any. No sign application shall be forwarded to the appropriate reviewing authority for approval, approval subject to modifications, or denial, until the applicant has submitted a complete application.
3. **Review and Decision:** The reviewing authority shall determine if the proposed sign or Planned Sign Program conforms to the provisions of this Chapter and shall accordingly approve, approve subject to modifications and/or conditions, or deny the sign application.

**C. Written Authorization:** Written authorization shall be required from the owner or authorized agent of the premises prior to placing, erecting or maintaining a sign or sign structure on any property.**D. Review Responsibilities:**

1. **Zoning Administrator:** The following signs shall be reviewed and approved by the Zoning Administrator:
  - a. All initial Planned Sign Programs.
  - b. Free-standing directional signs (e.g., parking lot entry signs) over four (4) square feet in area, and four (4) feet in height.
  - c. Any sign requiring a sign permit as required by the provisions of this Code.
2. **Planning and Zoning Commission:** Generally, the following signs shall be reviewed by the Planning and Zoning Commission:
  - a. Sign variances.
  - b. Where signage is part of a development requiring Planning and Zoning Commission review.

**E. Interpretations:** In all sign applications, where a matter of interpretation arises, the more specific definition or the more rigorous standard shall prevail. Whenever the Zoning Administrator determines that the application of any provision for this Chapter is uncertain, the issue shall be referred to the Planning and Zoning Commission for determination.

- F. Appeals: Appeals to decisions regarding signs shall be filed and reviewed pursuant to the provisions of §2.170 of this Code, except that the Planning and Zoning Commission shall consider appeals of all staff decisions upon receipt of any such appeal.
- G. Variances: Variances from the requirements of this Chapter shall be in accordance with the provisions of §2.60 of this Code. In addition to the findings specified in §2.60, the following additional findings shall be made prior to approving a variance for signs:
1. The site has a unique character or features that cause visibility problems, thus causing undue economic burden or business hardship; and
  2. No other proposed signing alternative or design would be feasible or would provide reasonable signage in accordance with this Chapter; and
  3. The proposed sign does not create a traffic hazard; and
  4. The proposed sign does not create a visual blight to the community; and
  5. The proposed sign does not adversely affect adjacent properties; and
  6. The proposed sign is in compliance with the provisions of this Code in regard to regulations apart from those imposed by this Chapter.
- H. Illegal Signs:
1. The following signs and sign structures shall be considered illegal:
    - a. Unsafe Signs or Sign Structures: A sign or sign structure shall be deemed unsafe if determined by the Building Official to be a danger or to create a potential hazard to the public.
    - b. Abandoned Signs and Sign Structures: A sign or sign structure which, for a period of one hundred eighty (180) days or more, does not advertise or identify an ongoing business, business product, or service available on or off the premises where the sign or sign structure is located, shall be deemed abandoned.
    - c. Illegally Erected Signs and Sign Structures: A sign or sign structure shall be illegally erected if it violates any provision of this Chapter including, but not limited to, a sign or sign structure which does not have required permits, or a sign or sign structure which has been erected without first complying with all ordinances and regulations in effect at its time of construction and erection or use. No sign or sign structure that was placed or erected in violation of any previously existing sign ordinances or regulations, by virtue of adoption of this Chapter, shall become conforming or legal.
  2. All illegal signs and sign structures are hereby deemed to be nuisances.
- I. Prohibited Signs and Sign Structures: The following types of signs are prohibited in the Town:
1. Signs or sign structures having any animated, moving or rotating parts, except for signs or sign structures which have historical marketing significance unique to a profession, rather than an individual business, such as barber poles, excluding signs that have

alternating messages that change no more than once every eight (8) seconds. Notwithstanding the above, time and temperature displays may be permitted in commercial and industrial zone districts.

2. Flashing or otherwise light-animated signs which contain, or are illuminated by lights which are intermittently on and off, change in intensity, or which create the illusion of flashing in any manner.
3. Signs which make sounds.
4. Signs or sign structures which by color, wording, design, location or illustration resemble, obscure, imitate, or otherwise limit the effectiveness of traffic control signs or devices.
5. Signs or sign structures which create a potential safety hazard by obscuring a clear view of pedestrian or vehicular traffic.
6. Balloons and/or other inflatables, tethered or not, used to draw attention to a use or event, unless expressly permitted in this Chapter.
7. Flags, pennants, streamers, spinners, festoons, windsocks, valances, or similar displays, temporary or permanent, unless expressly permitted in this Chapter.
8. Moveable or portable signs or sign structures, including signs attached to, or painted on trailers or vehicles parked on public or private property, for the purpose of gaining unauthorized sign area.
9. Signs or sign structures drawn or painted onto or otherwise affixed to trees or rocks.
10. Building-mounted signs or sign structures placed on or above the eave line of a pitched or mansard roof, or above the top of a wall of a building with a flat or parapet roof.
11. Off-site advertising signs and displays.
12. Signs or sign structures placed within, on, or over public right-of-way, on public land, or on utility poles, unless an encroachment permit has been approved for such a sign by the Town Engineer.
13. Any sign or sign structure not specifically permitted in this Chapter.
14. Any sign that projects more than twelve (12) inches from a building wall.

**§11.30 Sign Standards:** The following design criteria shall be used by the Zoning Administrator in order to determine if a proposed sign is consistent with the intent of this chapter:

- A. **Identification:** Major identification signs shall serve primarily to identify the name or type of business or other land use.
- B. **Architectural Context:** Sign design shall harmonize with the architectural design, and details of the building it serves, with other signs on the building, with the building's surroundings, and

with the business or other activity that the sign identifies. Further, signs shall not cover or obstruct significant architectural elements.

C. **Design Elements:** The following design elements shall be addressed:

1. **Materials:** Creativity in use of materials is encouraged. Durable materials, which are compatible in appearance with the building supporting or identified by the sign, shall be used.
2. **Colors:** Sign colors should harmonize with the building it serves and with adjacent landscaping and buildings.
3. **Letter Style:** Simple lettering styles should be used for ease of identification. Legibility should take priority over complexity in the design of the sign face.
4. **Illumination:** Illuminated signs shall be lighted to the minimum level required to ensure adequate nighttime readability. Specific illumination levels shall be in accordance with this Code.
5. **Landscaping:** Freestanding signs shall be located in a landscaped area, flanking all sides of the sign, which is of a shape, design, and size equal to at least the area of the sign face, and that is in scale with the overall proportions of the sign and its support structures.
6. Signs should not detract from the visibility of other signs on or adjacent to the site where the sign is placed.
7. Registered trademarks may be permitted as design elements.

D. **Sign Area Measurement:** For the purposes of this Chapter, sign size shall mean the sign area. Such area shall be more specifically defined as follows:

1. **Sign Area:** Sign size or area shall be defined as the entire area of the sign face, including non-structural perimeter trim and excluding architectural detailing, support structures, and/or uprights on which the sign is supported.
2. **Window Signs:** "Window area" shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one (1) window if they are adjoining on the building face and are less than six (6) inches apart.
3. **Building-Mounted and Wall Signs with Individual Letters:** The area of building-mounted or wall signs composed of individual letters affixed to a building or wall shall be considered to be the aggregate area within a maximum of three (3) rectangular figures which enclose and connect the extreme limits of up to three (3) message areas consisting of any writing, representation, emblem or any figure or similar character.
4. **Wall Sign Panel:** If a sign panel is inserted into or onto a wall, the area of the panel shall be considered to be the sign area.
5. **Double-Faced Signs:** If a sign has sign faces, which are placed back-to-back, no more than two (2) feet from one another, its sign area shall be considered to be the area of the

larger face if the two faces are of unequal area. If, for example, the maximum permitted sign area is twenty (20) square feet, a double-faced sign may have an area of twenty (20) square feet on each face.

6. **Three-Dimensional Signs:** If a sign has three (3) or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four (4) faces and the maximum permitted sign area is twenty (20) square feet, the maximum allowable area for each face is five (5) square feet.
7. **V-Shaped Signs:** If a sign is "V" shaped, with an angle between the two (2) adjoining faces, its sign area shall be the sum of the areas of the two (2) sign faces.
8. **Separated-Panel Signs:** The sign area of a separated panel signs (those signs having empty spaces between copy panels) shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.
9. **Signs Painted on Buildings:** Any sign painted on a building shall be included in the calculation of the total sign area for the site upon which it is placed.

E. **Sign Height Measurement:**

1. **Free Standing Signs:** Sign height for free-standing signs shall mean the greatest vertical distance between the top of the sign, including any accompanying architectural features of the sign, and the average elevation as measured at the roadbed of the nearest street.

F. **Sign Location:**

1. **By District:** Signs shall be located in accordance with the provisions for each land use district, type of development, or type of sign, as designated in Table 11.A of this Chapter.
2. **No Off-Site Signs:** All signs shall be located on the same premises as the land use or activity identified by the sign, unless the provisions of this Chapter expressly permit the off-site location of a sign.
3. **Utility Lines:** No sign shall be located closer to overhead utility lines than the distance prescribed by the rules duly promulgated by agencies of the State, or by the applicable public utility.
4. **Traffic Safety:** No sign shall be located in such a manner as to obstruct free and clear vision of pedestrian and vehicular traffic.
5. **Public Right-of-Way:** No sign shall be located within, over, or across a public right-of-way except as expressly permitted in §11.20.I of this Chapter.

G. **Sign Illumination:**

1. **Illumination Levels:** Signs shall be adjusted to the appropriate illumination level if it is determined to be excessive as the result of the Town's evaluation. Illumination shall be considered excessive if it is substantially greater than the illumination of other nearby signs; if it interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign; if it directs glare toward streets or motorists; or if it

adversely impacts nearby residences or neighborhoods. The maximum illumination level for fluorescent lamps shall be four hundred thirty (430) milliamperes. Illumination levels shall be indicated on the sign plan.

2. **Externally-Illuminated Signs:** The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties. Externally-illuminated signs shall be subject to illumination level review.
- H. **Sign Maintenance:** Every sign and sign structure within the Town shall be maintained in good, safe structural and physical condition. All signs, together with supports, braces, guys, anchors, and electrical components, shall be kept in safe, presentable and good structural condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required. The Building Official may order the repair or removal of any sign determined by the Building Official to be unsafe, defective, damaged, or substantially deteriorated.
- I. **Signs on Vehicles:** Signs are allowed on vehicles, without sign permits, when they are painted or attached directly to the vehicle so as not to extend or project beyond the vehicle's original profile. Signs, which are painted on or attached to a vehicle must be incidental to the vehicle's primary purpose of transporting people or goods on the public right-of-way, and the vehicle may not be used primarily for advertising purposes. Signs on vehicles may not include arrows or other directional devices, the purpose of which is to direct those who observe such signs to a particular place of business.
- §11.40 Sign Regulations:** Table 11.A of this Chapter identifies signs that are permitted in each zone district. In addition to the regulations contained in Table 11.A, all signs must be in conformance with all other provisions of this Code.



|   |         |  |   |  |   |
|---|---------|--|---|--|---|
|   |         |  |   |  |   |
| One per street frontage.                                  | 12 s.f. | Below eave line for wall sign and 4 ft. for monument sign. | 5 ft. setback from property line.   | May only be illuminated in RM zone districts | Shall only identify the apartment complex by name and address.  |
|   |         |  |   |  |   |
| One per use.  | 24 s.f. | Below eave line for wall sign and 4 ft. for monument sign. | 10 ft. setback from front and 5 foot setback from side property line.                               | Yes  | a. Name of institution only.<br>b. May incorporate changeable copy.   |
|   |         |  |   |  |   |
| 2 per major entrance.                                     | 48 s.f. | 4 ft.  | At major entrances to project/ neighborhood or residential subdivision of 5 or more dwelling units. | Yes  | a. Copy limited to project/neighborhood name only.<br>b. Allowed only if maintenance responsibility assigned to community association.  |
|   |         |  |   |  |   |
| One per street frontage up to two per major entrance.     | 24 s.f. | 10 ft. for wall; 4 ft. for monument.                       | 10 ft. setback from property line.  | Yes  |   |
|   |         |  |   |  |   |
| 2 for subdivisions more than 5 acres, otherwise one sign. | 76 s.f. | 15 ft.   | 10 ft. setback from any street. Located on the site of the project/subdivision.                     | No   | a. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision.<br>b. Refer to §11.50 for regulations for off-site subdivision signs. |
|   |         |  |   |  |   |
| To be determined by the Community Development Director    | 4 s.f.  | 5 ft.  | May not be located in any required setback.   | Yes  | a. To identify tenants and provide directions to individual units.  |

**R OFFICE BUILDINGS IN COMMERCIAL DISTRICTS (CH, GC, NC)**

|  |   |  |  |     |   |
|--|---|--|--|-----|---|
| One each per street or parking frontage. | One-half s.f. of sign area per lineal foot of building fronting on a street. 24 s.f. maximum. | Below eave line for wall sign, and 4 ft. for monument                                    | May not be located in a required setback area. | Yes |   |
| One per tenant per street frontage.      | One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.  | Below eave line.   | Wall or canopy.                                | Yes | a. Copy shall pertain only to the name and/or address of the building.<br>b. Illumination shall be reverse backlit, channel lit, or indirectly illuminated.   |
| One per street frontage.                 | One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.  | 4 feet. <sup>1</sup>   | Shall be setback 5 ft. from property line.     | Yes | a. Copy shall pertain only to the name and/or address of the building.<br>b. Illumination shall be reverse backlit, channel lit or indirectly illuminated.  |
| One per each street frontage.            | 100 s.f.  | Below eave line for a wall sign; 15' for a freestanding sign and 4' for a monument sign. | Shall be 5' min. setback from property line.   | Yes | a. Copy shall pertain only to the name and/or address of the center and/or tenants of the center.<br>b. Planter base or landscaped area to be provided equal to 4 times the area of one face of the sign. |

|  |   |  |  |     |   |
|--|---|--|--|-----|---|
| One per tenant.                                  | 4 s.f.  |  | Adjacent to primary entrance of each tenant.                   |     | Copy limited to name and address of each tenant.  |
| One per window.                                  | 25% of window area                              |  |  | No  |   |
| One per use.                                     | 15 s.f.   | 4 ft. for monument; below eave line for wall sign. | Not in setback.  | Yes |   |
| more)  |   |  |  |     |   |
| Two per bldg..                                   | 300 s.f.  | To be determined by Town Council                   | Above the windows of the highest floor and below the eaveline. | Yes | a. Copy is limited to one company name and/or address per building.<br>b. Company logos may be used in combination with letters.<br>c. Signs shall be designed to be compatible with the architecture of the buildings. |
| Four per bldg.                                   | 22 s.f. max. per sign. Max. letter height = 18" | Below the second floor, or 20' whichever is less.  | Near the entrance of the tenants they identify.                | Yes |   |
| One per street frontage.                         | 40 s.f.   | 4 ft. <sup>1</sup>                                 | At main entrance.  | Yes | Shall contain only the name and/or address of the center, project, and/or tenants of the center.  |
| Temporary Signs allowed in Commercial Districts. |   |  |  |     |   |

|   |   |                                      |   |     |  |
|---|---|--------------------------------------|---|-----|--|
| of a Center   |   |                                      |   |     |  |
| One single face sign per bldg., per street or parking lot frontage. Max 3 signs per business. | 1 s.f. of sign area per each lineal foot of bldg. fronting on a street. 75 s.f. max. sign area in NC, otherwise 100 s.f. max. In addition, 1 s.f. of sign area per each lineal foot of the bldg's rear elevation if a public entrance is provided from a rear street, alley, or parking lot, 50 s.f. max. | May not project above the eave line. | May be located on parapet or canopy.  | Yes | Allowable aggregate wall sign(s) area shall exclude areas of allowed window signs.                 |
| One double face sign per frontage.  | 25 s.f. max. per face.  | May not extend beyond eave line.     | May only be attached to the bldg. to which the copy relates.                | Yes | a. Authorized in lieu of a wall sign.<br>b. Authorized only where no building setback is required. |
| One sign per window.  | 30% of the glass area upon which the sign is located.   |                                      | Window lettering permitted on interior or exterior of glass window or door. | Yes | Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.            |

|   |  |                                      |   |  |  |
|---|--|--------------------------------------|---|--|--|
|   |  |                                      | for driveway or corner radius.  |  |  |
|   |  |                                      |   |  |  |
| One single face per tenant per street or parking lot frontage. Max. 2 signs per business. | 1 s.f. of sign per each lineal ft. of bldg. that front a street, not to exceed 75 s.f. one additional s.f. of sign area per each lineal foot of the bldg.'s rear elevation if entrance is from a rear street or parking lot. Not to exceed 50 s.f. | May not project above the eave line. | May be located on parapet or canopy.  | Yes  | <p>a. All shopping centers shall develop a coordinated sign program for all tenants and uses in accordance with the requirements of this Code.</p> <p>b. Allowable aggregate wall sign area shall exclude allowable window area(s) used for signs.</p> <p>c. A center is one in which businesses and structures are designed in an integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.</p> |
| One sign per window.  | 30% of the glass area upon which the sign is located.  |                                      | Window lettering permitted on interior or exterior of glass window or door.                                     | No, except signs constructed of neon tube letters. | Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.  |
| One per entrance (double face).   | 6 s.f. per face.   |                                      | Below eave line and beneath canopy or marquee with 7 ft. clearance from sidewalk level to lowest point of sign. |  | Signs shall be uniform in color and designed for all tenant identification within the center.  |

|                                  |  |   |   |      |   |
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| frontage.                        |  | or structure or 20 ft., whichever is less.  | shall not be located to be a traffic hazard.  |      | b. Vertical clearance of 10 ft. required for freestanding signs projecting over vehicular passageway.   |
| One double face sign per center. | 125 s.f. per face.                         | 50 ft. unless a flag test or other suitable mechanism determines that a greater height is required due to vegetation or other factors that adversely detract from the 50 ft. provision. | Must be located in landscaped area; may not obscure another sign when viewed from a freeway or highway. | Yes. | <ul style="list-style-type: none"> <li>a. Center site must be adjacent to the right-of-way of a highway.</li> <li>b. Signs shall be constructed, erected, and maintained to insure integration with the surrounding environment and land uses, and shall be directed away from residential land use districts.</li> <li>c. Sign text shall be limited to the name of business, logo, and/or type of business. Consolidation of multiple business names or logos shall be encouraged in order to reduce the number of signs.</li> <li>d. Signs shall be serviced by underground utility connection.</li> </ul> |
| One double face.                 | 25 s.f. per face.                          | 4' above grade. <sup>1</sup>  | Shall be set back a minimum of 5 ft. from front or side property lines.                                 | Yes  | Sign may identify Center, address of Center, and major tenants.   |
| Two per site.                    | 30 s.f.                                    | 7 ft.   | Shall not be located so as to be a hazard for driveway or corner radius.                                | Yes  | Shall face away from street.  |
| One per street frontage, max. 2. | 10% of building face not to exceed 50 s.f. | Not above eave-line or 20 ft., whichever is less.   |   | Yes  | <ul style="list-style-type: none"> <li>a. A combination of monument and wall may be used, but no more than a total of 3 signs.</li> </ul>   |

|   |   |  |        |   |     |  |
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|   | island, not to exceed a total of 4 per station. |  |        |   |     | such items as self-serve, full-serve, air, water, cashier and shall not be illuminated.  |
|   | One double face sign per center.                | 125 s.f. per face if located within 1,000 ft. of the enterline of a highway, otherwise 75 s.f. per face. | 25 ft. | Must be located in landscaped area.   | Yes |  |
| p | N/A   | 2 s.f. per face.   | 8 ft.  | On-site.  | Yes | a. Small accessory signs are limited to warning signs such as "No Smoking" and signs on gas pumps or islands identifying the price of fuel, brand of gas, grade of gas, and pumping instructions.<br>b. Small accessory signs shall not require a sign permit. |
|   |   |  |        |   |     |  |
|   |   |  |        |   |     |  |
|   | 1 per window.                                   | 30% of the glazed area of a window.  |        | Ground floor windows only.  | No  |  |
|   | One single face sign per street frontage.       | 32 s.f.  | 10 ft. | Located so as not to create traffic hazard or overhang public right-of-way. | No  | a. Authorized upon the issuance of a grading or building permit.<br>b. Sign shall be removed prior to certificate of occupancy.  |
|   | One per street frontage or tenant.              | 32 s.f. per face.  | 8 ft.  | Within the subject property.  | No  | Sign shall be removed upon occupancy of the building(s).   |

| Class   | Type                         | Maximum Number  | Maximum Sign Area  | Maximum Sign Height | Location   | Illumination Allowed | Remarks  |
|---|------------------------------|---|--|---------------------|--|----------------------|--|
| d. Real Estate                                    | Freestanding, wall or window | One per street frontage.  | 32 s.f. per face.  | 8 ft.               | Within the subject property.   | No                   | To advertise the sale or lease of structure or grounds and not for the purpose of advertising an agency occupying the premises.  |
| 5. Theaters                                       |                              |   |  |                     |  |                      |  |
| a. Coming Attractions Display Case                | Wall                         | One per screen for theaters or per stage for live theaters or cabarets. | 6 s.f.   | 8 ft.               | Near main entrance.  | Yes                  | Cases shall be mounted and shall be large enough to display one (1) six (6) s.f. poster each.  |
| b. Attraction Board                               | Wall or freestanding         | One per theater, theater complex, or cabaret per street frontage.       | 20 s.f. plus 10 s.f. per screen or stage up to an overall maximum of 40 s.f. | 25 ft.              | May be located in landscaped setback area; however, shall not be located so as to be a hazard for driveway or corner radius. | Yes                  | All attraction boards shall be building mounted unless one of the following findings can be made:<br>1. A freestanding sign is the only feasible means by which the business conducted on the premises can obtain the same degree of identification to motorists as that available to neighboring businesses that do not have such signage; or<br>2. The building is set back from the street or is obscured from street view by structures or mature vegetation such that a building mounted sign cannot provide adequate signage; or<br>3. The architectural style, materials, or design elements are such that a building mounted sign is not feasible or would detract from the building's appearance. |
| <b>D. SIGNS PERMITTED IN INDUSTRIAL DISTRICTS</b> |                              |   |  |                     |  |                      |  |
| 1. Business Identification                        |                              |   |  |                     |  |                      |  |
| Single Tenant                                     |                              |   |  |                     |  |                      | a. Same as subsection "C" signs for non-commercial that are permitted in all commercial districts  |



|   |  |                                 |   |     |   |
|---|--|---------------------------------|---|-----|---|
|   |  |                                 | radius, as determined by the Town Engineer. |     | c. For each public secondary street with at least 150 feet of frontage, a monument sign may be permitted indicating the name and/or address of the center on that site. |
| One per street or parking lot frontage.                   | One s.f. of sign area per each lineal foot of building frontage. | May not project above eaveline. |   | Yes | a. Shall contain only the name and/or address and product of company.<br>b. A sign program shall be required for developments with 3 or more tenants.                   |
| One per street or parking lot frontage.                   | 32 s.f. per face.  | 8 ft.                           |   | Yes | a. Intended to list only the names and addresses of on-site occupants.<br>b. Shall be designed as part of overall planned sign program.                                 |
| Minimum number necessary to provide adequate information. | 4 s.f.   | 4 ft.                           | Minimum 5 ft. setback from property lines.  | Yes | Copy limited to directional information such as "entrance" or "exit," but no directions to individual businesses.   |
| One per main building entrance.                           | 4 s.f.   | 6 ft.                           | At main building entrance.                  | No  | Intended to provide only name, address, telephone, business hours, and emergency information for occupant.  |
| Two per intersection entrance onto airport property.      | 160 s.f.   | 5 ft.                           |   | Yes | Intended only to identify the name and address of the airport, or as approved by the Town Council.  |
| <b>E COMMUNITY FACILITIES DISTRICT (CF)</b>               |  |                                 |   |     |   |
|   |  |                                 |   |     |   |

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|   |                  |   |  |     |  |
| One per street or parking lot frontage.                                       | 30 s.f. per face | May not project above eave line for wall sign; 4 ft. for monument sign. |  | No  | Intended only to identify the name and address of a public or quasi-public facility, or as approved by the Town Council. |
| Two per intersection entrance onto airport property                           | 160 sq. ft.      | 5 ft.   |  | Yes | Intended only to identify the name and address of the airport, or as approved by the Town Council.                       |
| Minimum height requirement if approved by the Planning and Zoning Commission. |                  |   |  |     |  |

**§11.50 Temporary Signs:**

- A. **Permit Required:** A temporary Sign Permit, to be issued by the Zoning Administrator, is required for any temporary sign over twelve (12) square feet in size, and five (5) feet in height. All temporary signs and banners, regardless of size, may be displayed for a period of time not to exceed thirty (30) days.
- B. **Temporary Signs – General:** Temporary signs directing the public to civic, charitable, political, or other non-commercial events that are open to the public shall be permitted for no more than thirty (30) days.
- C. **Temporary Political Signs:**
1. A temporary political sign is defined as any non-commercial sign that indicates any one, or a combination of the following:
    - a. The name and/or picture of an individual seeking election or appointment to a public office.
    - b. Relates to a forthcoming public election or referendum.
  2. Placement of all temporary political signs shall comply with the following requirements:
    - a. The maximum size of individual temporary political signs allowable in any zone district shall be as follows:
      1. Single Family Residential – six (6) square feet.
      2. Multi-Family Residential – twelve (12) square feet.
      3. Commercial and Industrial zone districts – thirty-two (32) square feet.
    - b. Candidates, campaign committees and other persons shall endeavor to place or post temporary political signs no sooner than forty-five (45) days before an election. Any such signs shall be removed within fifteen (15) days after an election to which the sign relates.
    - c. Temporary political signs shall comply with the provisions of §11.20.9 (Prohibited Signs and Sign Structures), excepting subsection 11.20.9.i of this Chapter.
    - d. Temporary political signs shall be located on private property only. No such sign shall be located in the public right-of-way, or on any object located in the public right-of-way, including, but not limited to, trees, fence-posts, and utility poles.
    - e. No temporary political signs shall be permitted that are in violation of this Chapter.
    - f. No temporary political sign may be placed in a location that hides from view any official traffic control device.
    - g. No sign permit or fee shall be required for temporary political signs.

- h. Any temporary political sign in violation of this Chapter shall be deemed a nuisance, and shall be abated in accordance with §1.60 (Enforcement) and with §1.70 (General Penalty), of this Code.
- D. Residential Real Estate Signs: Real estate signs up to a maximum six (6) square feet in area and, if freestanding, a maximum of five (5) feet in height, shall not require a sign permit. One (1) real estate sign shall be permitted per street frontage of a lot. Such signs shall be permitted to remain while property is in escrow, but shall be removed when the property referred to is no longer for sale, rent, or lease.
1. Riders which provide additional information about the property, such as "Sale Pending" may be attached to the primary sign or sign post as long as the total sign area does not exceed the maximum area allowed.
  2. Free-standing, on premises, "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily.
  3. Free-standing, off-premises, directional "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily. Prior to placing such a sign on any property, authorization is required from the owner of the property where the sign is to be located.
  4. Flags, pennants, and banners used in conjunction with the sale, rental, or lease of subdivision tracts, shall be permitted only until the initial sale of the tract is completed.
- E. Model Home Signs: On premises signs identifying model home complexes, either building-mounted or free-standing, are permitted, provided such signs do not exceed twenty (20) square feet in size. Sign height, placement, and illumination shall comply with the requirements of the zone district in which said sign is located.
- F. On-Site Construction Announcement Signs: On-site construction announcement signs, including names of architect, contractor, etc., up to a maximum of thirty-two (32) square feet in area, and, if free-standing, not exceeding six (6) feet in height, shall be permitted without a sign permit. No more than three (3) such signs shall be permitted per parcel. Such signs shall be erected after the issuance of the building permits for the subject properties, and shall be removed upon issuance of the first occupancy certificate for the project referred to on the sign.
- G. Temporary Posters: Temporary posters pertaining to future limited-term events, which will be held within thirty (30) days of the placement of such poster, shall be permitted without a sign permit. Such posters may be off-premise. If placed in a window, the poster(s) may not exceed fifteen (15) percent aggregate of the area of the window in which they are placed.
- H. Temporary Garage/Yard Sale: One (1) double-faced sign, no more than six (6) square feet in area and four (4) feet in height, is permitted without a sign permit. Such signs may be placed only on the premises where the garage/yard sale is being held, and shall not be placed on public property, or within a public right-of-way. Such sign may be placed twenty-four (24) hours prior to the sale, and must be removed immediately following the sale.

**I. Temporary Decorative Balloons:**

1. Decorative balloons, limited to twelve (12) per premises, and not more than one (1) foot in diameter each, may be permitted in accordance with the provision of this Chapter, provided such balloons contain no reference to any named goods or services, nor to any commercial enterprise, and do not extend above the roof line of adjacent buildings.
2. Metallic mylar balloons shall not be permitted.

**J. Holiday Window Painting:** Decorative window painting in connection with a specific holiday is permitted without a sign permit, provided that the painting contains no commercial messages. Such painting may remain on the window no more than thirty (30) days, after which all window painting in connection with said holiday must be removed.**K. Temporary Window Signs:** Temporary window signs that are displayed upon a window in compliance with the provisions of this Chapter, are permitted in the commercial and industrial zone districts; however, no such sign, or combination of signs, whether promotional, permanent, or any other type of sign, shall exceed thirty (30) percent of the glazed area of any window.**L. Temporary Balloon Signs:** Temporary balloons may be permitted subject to the following conditions:

1. Balloon signs shall be used for the purposes of commercial grand openings, development promotions, special events of limited duration, and like occasions.
2. Each building or business shall be permitted one (1) temporary balloon sign for a maximum of two (2) occasions per calendar year, with a maximum duration of fourteen (14) days for each permitted use, or four (4) such occasions, per calendar year, with a maximum duration of seven (7) days for each such permitted use. Hot air balloons shall be permitted for a maximum of one (1) occasion per calendar year, with a maximum duration of three (3) days. Longer durations may be approved by the Planning and Zoning Commission.
3. The maximum height of any balloon sign shall not exceed fifty-five (55) feet, measured from ground elevation, and the maximum size of any balloon shall not exceed twenty (20) feet in any dimension. A balloon sign may exceed the maximum dimensional requirement, upon approval of the Planning and Zoning Commission, provided such balloons maintain a minimum twenty (20) foot setback from any building and a ten (10) foot setback from any property line.
4. Any balloon sign which does not identify or advertise the occupant of a building, lot, or premises, or related to any merchandise or to any business or activity available or being conducted at the building, or business where the sign is located, is prohibited.
5. All balloon signs shall be securely anchored and erected in conformance with all applicable building, electrical, sign and fire codes, subject to approval by the ????
6. All hydrogen type balloons shall be prohibited.

7. All temporary balloon signs and tie downs shall be constructed of nonconductive electric material.

**§11.60 Flags, Pennants, and Banners:**

- A. Flags, pennants, and banners are subject to the following provisions:
  1. Shall apply only to businesses customarily conducted in the open.
  2. Shall not contain advertising copy.
  3. Shall not exceed twenty (20) feet in height.
  4. Shall not exceed fifteen (15) square feet in area.
  5. May be attached to either freestanding or building mounted flagpoles or other supports.
  6. Shall be restricted to two (2) flags and one (1) flagpole per premise; unless a greater number is approved by the Planning and Zoning Commission subject to a Planning and Zoning Commission finding that any additional flags and/or flag poles will be compatible with the architecture and use of surrounding structures and land uses.
  7. Building-mounted flagpoles shall not extend above the top of the building's roof.
  8. Free-standing flagpoles shall not be placed within ten (10) feet of any property line.
- B. Sign permits shall be approved by the Zoning Administrator for flags, pennants, and banners as follows:
  1. Flags, pennants, and banners may be attached to building mounted flagpoles, free-standing flagpoles, or other supports.
  2. Shall not exceed thirty-two (32) square feet in area.
  3. Shall not extend above the top of a building for building mounted flagpoles, or shall not exceed thirty (30) feet in height for free standing flagpoles.
- C. Flags larger in size, and flags on higher freestanding poles than specified in the above Section, may be approved by the Planning and Zoning Commission if the Planning and Zoning Commission determines that the flags and flagpole will be compatible with the architecture and use of surrounding structures.
- D. All other types of flags, pennants, and banners as defined in Chapter 1.160 (Definitions), shall be treated as temporary signs, and shall be subject to provisions of § 11.50 (Temporary Signs) of this Chapter.

**§11.70 Institutional Uses:** The Zoning Administrator shall review and may issue sign permits for churches, day care centers, nursing homes, and similar uses in any land use district as follows:

- A. Identification Sign:

1. One (1) identification sign per street frontage shall be permitted which identifies the main activity and the accessory activity or use on the site. Said sign shall be building mounted, or a freestanding sign structure.
2. The freestanding sign may be permitted if the Zoning Administrator makes any one of the following findings:
  - a. A freestanding sign structure is necessary to provide adequate identification of the institution to motorists.
  - b. The building is set back from the street or obscured from street view by structures or vegetation such that building mounted signage cannot provide adequate access.
  - c. The architectural style, materials, or other design elements are such that a building mounted sign is not feasible, or would detract from the building's appearance.

**B. Sign Standards:**

**1. Building Mounted Signs:**

- a. Shall be a maximum of twenty-four (24) square feet in area for churches and other institutional uses on sites of one (1) acre or less, and thirty-two (32) square feet in area for all sites greater than one (1) acre.
- b. Shall be placed below the eave line of buildings with a pitched or mansard roof, and below the top of the wall for buildings with a flat or parapet roof.

- 2. Monument Sign:** Shall be a maximum of four (4) feet in height, and maximum of forty-eight (48) square feet in area.

**C. Attraction Board:** Attraction boards shall provide a means to communicate future events or activities on a site, and shall be a maximum of twelve (12) square feet in area for churches and other institutional uses on sites of one (1) acre or less and eighteen (18) square feet in area for all sites greater than one (1) acre in size.

**§11.80 Planned Sign Program:** The Zoning Administrator shall review, and may approve a sign permit for a Planned Sign Program for any new business park, industrial complex, shopping center, office complex, or retail center, as follows:

- A. Any building, business park, shopping center, or other contiguous group of businesses are eligible for consideration of a Planned Sign Program.
- B. No minimum frontage or site size is required.
- C. Signs within the Planned Sign Program shall have one (1) or more common design elements, such as colors, materials, illumination, sign type, sign shape, letter size and letter type.
- D. The sign program shall specific signs in harmony with the materials, colors, architecture, and other design features of the building they identify.
- E. The Zoning Administrator may approve a Planned Sign Program upon finding that:

1. The signs allowed by the program will not adversely affect other nearby properties.
2. It is consistent with the General Plan and the provision of this Code.
3. It will not constitute the granting of a special privilege, nor provide more visibility or exposure than is available to similarly situated properties.

**F. Reviewing Authority:**

1. Initial Planned Sign Programs shall be reviewed by the Zoning Administrator.
2. Signs which are consistent with the approved Planned Sign Programs shall be reviewed by the Zoning Administrator.

**§11.90 Public Safety Signs:**

- A. Signs required by law for public safety, or access such as "Exit" or "Fire Escape" shall be a maximum of two (2) square feet, or such other size as required by law, and shall not require a sign permit.
- B. Signs warning of building, electrical, mechanical, or other hazards such as "High Voltage" shall be a maximum of four (4) square feet, or such other size as required by law, and shall not require a sign permit.

**§11.100 Kiosks, On-Site Subdivision and On-Site Commercial Real Estate Signs:** The following kiosks, on-site subdivision and on-site commercial real estate signs may be permitted in any land use district as follows:

- A. The Zoning Administrator may approve Temporary Sign Permits for temporary on-site subdivision signs for each main street frontage of the subdivision. Signs shall be for the identification of the property being subdivided, price information, and the developer's name, address, and telephone number. Said signs shall comply with the following requirements:
  1. Shall not exceed thirty-two (32) square feet in area, and fifteen (15) feet in height.
  2. Shall not exceed three (3) such signs for all such phases of any subdivision, and shall not be located on interior streets of the subdivision. Three (3) additional signs per builder may be approved by the Zoning Administrator for each merchant builder for residential developments within planned communities, and shall be located within the site boundaries of the planned community.
  3. Shall be removed within ten (10) days from the final initial sales of the subdivision.
  4. Shall not be illuminated.
- B. On-Site Commercial Real Estate Signs permitted without a sign permit as follows:
  1. Shall not exceed thirty-two (32) square feet in area, and fifteen (15) feet in height.
  2. Shall not exceed one (1) per street frontage, or a total of three (3) per site.



3. Shall be removed within ten (10) days from the final sale or lease of the subject property or building.
4. Shall not be illuminated.

C. The Planning and Zoning Commission may approve agreements between the Town and applicants for off-site business kiosks and subdivision kiosks for advertising of businesses and subdivisions within the Town. The business and kiosk sign program shall be treated as separate kiosk sign program. All liabilities, costs and/or expenses from siting, installation, construction of off-site businesses or subdivision kiosks shall be borne by said business or subdivider, subject to provisions of any contract entered into between the Town and the applicant(s).

The Zoning Administrator shall review, and may approve, sign permits for off-Site business kiosks and subdivision kiosks subject to approved agreement as follows:

1. May be located either in or out of the public right-of-way.
2. No business sign panels shall be permitted on subdivision kiosks, and no subdivision sign panels shall be permitted on business kiosks.
3. No kiosk shall contain more than a total of eight (8) business or subdivision sign panels per sign face.
4. Shall be a maximum of thirty-two (32) square feet in area, and fifteen (15) feet in height.
5. Sign panels shall be no more than nine (9) inches in width, and five (5) feet in length.
6. Sign panels may include any of the following: name of business or subdivision, business or subdivision logo, nor more than three (3) colors and directional arrow.
7. No pennant, flag, banner, streamer, or other appurtenance may be affixed to any kiosk.
8. Placement of kiosks shall be subject to approval of the owner of underlying land (e.g., Town Engineer for signs within the public right-of-way) and record owner for all other sites. Written authorization shall be filed with the Zoning Administrator prior to erection of any kiosk sign.
9. Shall be located not less than six hundred (600) feet from an existing kiosk site, or previously approved but not erected kiosk site for the same type of kiosk program, e.g., business or subdivision.
10. Shall be located not less than fifty (50) feet from an intersection unless specifically authorized by the Town Engineer.

D. Off-site real estate signs, advertising the location and sale of a residential subdivision on property other than the location of the subject subdivision, may be permitted upon approval by the Planning and Zoning Administration subject to, at a minimum, the following requirements:

1. The applicant shall, prior to any such approval by the Planning and Zoning Commission, submit to the Zoning Administrator, a detailed description of the location, design, materials, colors, copy, size, and height of any such off-site sign(s).

2. The size of the sign shall be a maximum of thirty-two (32) square feet in area, and fifteen (15) feet in height.
3. No pennant, flag, banner, streamer, or other appurtenance may be affixed to a sign.
4. The sign shall be located not less than fifty (50) feet from an intersection, unless specifically authorized by the Zoning Administrator.
5. Placement of the sign shall be subject to approval of the owner of the underlying land; e.g. the Zoning Administrator for signs within the public right-of-way, and the record owner for all other sites.
6. The sign shall be located not less than three hundred (300) feet from an existing off-site sign, or an off-site sign previously approved, but not yet erected.

**§11.110 Non-Conforming Signs:**

A. Except as otherwise provided in §2.110 of this Code, or otherwise regulated by State or Federal law, any sign lawfully in use on the effective date of this Code, but made non-conforming thereby, shall be permitted as though it were not a non-conforming sign, providing any of the following conditions exist:

1. The primary message of the sign relates to the business being conducted on the premises upon which the non-conforming sign is located.
2. The size, copy, area, or height of the non-conforming sign does not exceed the limits set forth in this Chapter by more than five (5) percent.
3. Projection of a non-conforming sign over a public right-of-way does not exceed one (1) foot.
4. Not more than fifty (50) percent of the non-conforming sign is destroyed by any means.
5. The business to which the non-conforming sign applies remains unchanged, and under the same ownership.
6. The non-conforming sign is kept in good repair, both aesthetically and structurally.

Non-conforming signs that do not comply with any one of the above conditions are not exempted under the provision of §11.110 of this Chapter, and will be subject to the amortization schedule depicted in §11.110.B of this Chapter.

**B. Amortization of Non-Conforming Signs:**

Any sign, which is non-conforming to the requirements of this Chapter, except as provided in §11.110 above, shall either be removed, or made to conform to the requirements of this Chapter at the expense of the sign owner within the period of time prescribed herein. The period of time to comply with the provisions of this Chapter shall commence upon the effective date of this Code. Such non-conforming signs may be abated forthwith by the Town in a manner consistent with the following schedule:

| <u>Fair Market Value on Effective Date</u> |             | <u>Removal Period</u> |
|--|-------------|-----------------------|
| Less than                                  | \$ 500.00   | 1 year                |
| \$ 501.00 to                               | \$ 1,500.00 | 2 years               |
| \$ 1,501.00 to                             | \$ 3,000.00 | 3 years               |
| \$ 3,001.00 to                             | \$ 4,500.00 | 4 years               |
| \$ 4,501.00 to                             | \$ 6,000.00 | 5 years               |
| \$ 6,001.00 to                             | \$ 7,500.00 | 6 years               |
| \$ 7,501.00 to                             | \$ 9,000.00 | 7 years               |
| \$ 9,001.00 to                             | \$10,000.00 | 8 years               |
| \$10,001.00 to                             | \$12,500.00 | 9 years               |
| Over \$12,501.00                           |             | 10 years              |

C. Repair of Non-conforming Signs:

Alterations or modifications to any non-conforming sign are prohibited, except for structural repair resulting in the same size or shape of the original sign. This provision is not intended to prevent any non-conforming sign to be altered in such a manner that it becomes a legal, conforming sign.

D. Removal and Abatement of Non-conforming Signs: The Town may cause written notice, ordering the removal of non-conforming signs or displays, or for their compliance in accordance with the provision of the Section(s) in this Code to be served.

1. Such notice shall be delivered either in the manner required by law for service of a summons, or by first class certified mail, postage prepaid, upon the owner of the property upon which the nonconforming sign to be abated is located, as shown on the latest equalized assessment rolls on file in the office of the County Assessor, or to any other parties of interest as may be known to the Town.
2. Such non-conforming signs shall be removed or altered in conformance with the provision of this Chapter within ninety (90) days after receipt of such notice.

**§11.120 Violations:**

- A. Except as otherwise specifically provided in this Chapter, any person violating any provisions or failing to comply with any of the mandated requirements of this Chapter, is guilty of a misdemeanor. The general penalty for such misdemeanor shall be as set forth in §1.70 (General Penalty) of this Code.
- B. In addition to the penalties provided in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall constitute a public nuisance and may be abated by the Town as such. Each day such condition continues shall be regarded as a new and separate offense.
- C. All remedies herein are stated to be cumulative and non-exclusive.